

## ROANOKE CITY COUNCIL

June 19, 2006

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, June 19, 2006, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Vice-Mayor Beverly T. Fitzpatrick, Jr. presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37109-070505 adopted by the Council on Tuesday, July 5, 2005.

PRESENT: Council Members Brenda L. McDaniel, M. Rupert Cutler, Alfred T. Dowe, Jr., Sherman P. Lea, and Vice-Mayor Beverly T. Fitzpatrick, Jr. -----5.

ABSENT: Council Member Brian J. Wishneff and Mayor C. Nelson Harris-----2.

The Vice-Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

## PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Inasmuch as this was Dr. Cutler's last official City Council meeting, Council Member Dowe offered the following resolution paying tribute to the Honorable M. Rupert Cutler, Council Member:

(#37419-061906) A RESOLUTION paying tribute to the Honorable M. Rupert Cutler, and expressing to him the appreciation of the City and its people for his exemplary public service.

(For full text of Resolution, see Resolution Book No. 70, Page 342.)

Council Member Dowe moved the adoption of Resolution No. 37419-061906. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members McDaniel, Dowe, Lea and Vice-Mayor Fitzpatrick-----4.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

(Council Member Cutler abstained from voting.)

The Vice-Mayor presented a ceremonial copy of the abovereferenced resolution to Council Member Cutler.

(See a summary of Council Member Cutler's farewell remarks on page 663.)

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Inasmuch as this was her last official City Council meeting, Council Member Cutler offered the following resolution paying tribute to the Honorable Brenda L. McDaniel, Council Member:

(#37420-061906) A RESOLUTION paying tribute to the Honorable Brenda L. McDaniel, and expressing to her the appreciation of the City and its people for her exemplary public service.

(For full text of Resolution, see Resolution Book No. 70, Page 344.)

Council Member Cutler moved the adoption of Resolution No. 37420-061906. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----4.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

(Council Member McDaniel abstained from voting.)

The Vice-Mayor presented a ceremonial copy of the abovereferenced resolution to Council Member McDaniel.

(See a summary of Council Member McDaniel's farewell remarks on page 662.)

DECEASED PERSONS: Council Member Cutler offered the following resolution expressing sympathy upon the passing of the Honorable A. Victor (Vic) Thomas, Roanoke native and longtime Delegate to the Virginia General Assembly, who passed away on Wednesday, April 26, 2006:

(#37421-061906) A RESOLUTION memorializing the late A. Victor (Vic) Thomas, a native of Roanoke and longtime delegate to the Virginia General Assembly.

(For full text of Resolution, see Resolution Book No. 70, Page 345.)

Council Member Cutler moved the adoption of Resolution No. 37421-061906. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

The Vice-Mayor presented a ceremonial copy of the abovereferenced resolution to Mrs. Thomas, and called for a moment of silence in memory of Mr. Thomas.

POLICE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT: On behalf of the citizens of the City of Roanoke and in recognition of outstanding volunteer community service, weapons training and qualification, police patrol and special events coverage, the Vice-Mayor presented Certificates of Appreciation to the following former Roanoke Auxiliary Police Officers who served from 1966 - 1994:

Lloyd Craddock	James L. Phillips
Wayne C. Gould	Stanley H. Wszolek
Kraig R. Barker	Mark A. Hodges
Raymond B. Firestone	David L. Albert
Claude D. Mayo, Sr.	Frank F. Davilla
Steven W. McChesney, Sr.	Earl R. Grogan
Barry T. Meek	Arnold W. Reed
Allen W. Taylor	Todd Musselwhite

PROCLAMATIONS-ACTS OF ACKNOWLEDGEMENT: The Vice-Mayor presented a proclamation to John P. Baker, Executive Director, Roanoke Redevelopment and Housing Authority from May 1997 to May 31, 2006, declaring Monday, June 19, 2006, as John P. Baker Day in the City of Roanoke.

#### CONSENT AGENDA

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

OATHS OF OFFICE-COMMITTEES-PENSIONS-ROANOKE NEIGHBORHOOD PARTNERSHIP: A report of qualification of the following persons was before Council:

Curtis L. Davis as a member of the Board of Trustees, City of Roanoke Pension Plan, for a term commencing July 1, 2006 and ending June 30, 2008; and

Clarice E. Walker as a member of the Roanoke Neighborhood Advocates, to fill the unexpired term of Althea L. Pilkington, resigned, ending June 30, 2006.

Council Member Cutler moved that the report of qualification be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

MARKET SQUARE PARKING GARAGE: A communication from the City Manager requesting approval of an emergency procurement of professional engineering services and construction services for the Market Parking Garage (formerly the Century Station Parking Garage), which involved evaluation and inspection of the façade portion of the Market Garage, was before Council.

It was further advised that in mid May 2006 the City requested Sutton-Kennerly & Associates, Inc., (SKA) to provide a proposal for design of a repair to one section of the brick façade on the Parking Garage which had been previously identified as having brick protruding from the façade; following a site visit, by SKA the company was requested to perform an evaluation and inspection of all of the façade on the Parking Garage; and part of the work was performed by SKA on June 6 and 7, 2006.

It was stated that SKA recommended further inspections involving removal of some of the brick façade on the north face of the deck as well as erecting protective fencing around the perimeter of the structure and constructing covered walkways to allow patrons to enter and exit the facility; SKA confirmed that the deck could remain open once the work was completed on Saturday, June 10, 2006, with the assistance of Branch & Associates, Inc., and its subcontractor, Alan L. Amos, Inc.

It was explained that following SKA's inspection of the work, on June 10, 2006, SKA recommended removal of the remaining brick façade on the Parking Garage; removal of the brick will allow for further evaluation of the precast panels; and there are no issues concerning the basic structure of the Parking Garage itself.

It was further explained that the City Manager will authorize further construction services through Alan L. Amos, Inc., or another contractor should Amos be unavailable, to remove the remainder of the brick façade; removal will allow SKA to complete inspection and evaluation of the precast panes and provide any associated services in connection with the work; additional emergency procurements of professional engineering services from SKA will be necessary to complete the inspection process and to provide recommendations and/or plans for ultimate repairs that may be needed for the Parking Garage; and any services or contractors that may be needed as a result of further evaluation by SKA will be provided on this basis, such as additional fencing or coverings.

Council Member Cutler moved that the communication be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

EMERGENCY SERVICES: The City Manager advised that several months ago, during a Council work session, City staff was requested to present a briefing on the City's emergency operations plan, and it was suggested that a peer assessment would be appropriate, which was later conducted by the City of Lynchburg. She introduced Michael Guzo, Emergency Services Coordinator, accompanied by Fire/EMS Battalion Chief Roger Manuel, both of whom were directly involved in the assessment.

Mr. Guzo advised that:

- The criteria used to evaluate the City's level of readiness was developed internally and adapted from the Federal Emergency Management Agency "Local Capability Assessment Review" and the National Fire Protection Association #1600, "Standard on Disaster/Emergency Management and Business Continuity Programs, 2004 Edition."
- Criteria was assigned to the responsible City departments as outlined and delegated in the City's Emergency Operations Plan and were evaluated, substantiated and referenced with supporting documents and internal procedures.
- The information was then collected, compiled, and coordinated by the Office of Environmental and Emergency Management, along with representatives of Fire-EMS and the Police Department.
- On March 30, 2006, a delegation comprised of Emergency Management, Fire, and Law Enforcement personnel from the City of Lynchburg reviewed all criteria.

Findings are summarized in a document entitled, "City of Roanoke: Disaster Preparedness Assessment," which detailed findings and recommendations from the City of Lynchburg following an extensive review and interview process. The report documented detailed findings within the Police Department, Fire-EMS Department, Emergency Management and all other City Departments that were identified in the initial assessment process.

Mr. Guzo advised that overall, the findings were positive; however, ten recommendations for the Fire-EMS Department, four for the Police Department, and ten for Emergency Management and all other 'emergency functions' were noted in the report; and most recommendations addressed minor procedural issues which are under review and corrective actions are being taken.

The following summary of commonalities was provided:

1) Resource Management

- The above subject addresses mutual aid agreements, standing contracts with private vendors, and standardization of specialized resources for emergency response. Since 9/11, with pressure added after Hurricane Katrina, there has been a large push for the development of solid agreements, contracts, and identification of resources from the State and Federal government. During an emergency, pre-existing contracts with vendors, for example, to deliver ice, oxygen, or emergency generators would relieve the imminent pressure and stress during the emergency response phase of the incident.
- With regard to Mutual Aid, there are two agreements that have strengthened inter and intra-state relations and resource sharing since 9/11. First, is the state-wide mutual aid agreement, which is a voluntary network of local government resources within Virginia, made available to support local government, of which there are currently 140 entities participating. Insurance, liability, expectations, and capabilities are understood, giving way to a quick, efficient response. The second agreement is the Emergency Management Assistance Compact, or EMAC, which is an inter-state mutual aid agreement where currently all 50 states are members. This Compact allows states to share and request resources in the same way as the statewide mutual aid agreement.

- Identifying vendors, and creating pre-existing contracts is important to mutual aid. This is, as a whole, lacking within the City. Agreements exist currently, but are generally on a handshake. Lessons learned from Hurricane Katrina made clear that the City needs more than a handshake to be prepared should there be additional logistical needs. Resources, contracts, and memorandums are being addressed in the updated City Emergency Operations Plan.
  - The second common item addressed was National Incident Management System Training, or NIMS. NIMS is a system mandated by Homeland Security Presidential Directive (HSPD) 5 that provides a consistent nationwide approach for Federal, State, local governments, as well as private-sector and non-governmental organizations, to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity. To provide for interoperability and compatibility among Federal, State, local and tribal capabilities, NIMS includes a core set of concepts, principles, and terminology. HSPD-5 identifies these as the Incident Command System, or ICS, multi-agency coordination system, training, identification and management of resources – including systems for classifying types of resources, qualification and certification, and the collection, tracking, and reporting of incident information and incident resources.
  - The Department of Homeland Security had mandated that anyone receiving Federal Homeland Security monies participate in the minimum training for NIMS. The City has been in the process of implementing NIMS to emergency response personnel within the Fire-EMS and Police Departments and plans to train key City Staff with potential emergency duties with all minimum NIMS requirements. The City is on schedule to meet Homeland Security mandates and plans to be fully NIMS-compliant by October 2006.
- 2) Sheltering
- Currently, the City has nine identified shelters, of which eight are schools and the largest is the Roanoke Civic Center, and none of the schools have sufficient alternate power generation to support shelter operation should there be power failures. This recommendation is 100 per cent budget dependent. The Office of Environmental and Emergency Management is working on this shortfall and will be



incorporating budget requests, as well as seeking Federal 'Shelter-Retrofit' grant opportunities. In addition to human shelters noted, there was a recommendation for consideration and development of domestic animal/pet shelters. A future mandate in development from the Department of Homeland Security and a plan will be developed to address the issue of sheltering of animals.

### 3) Continuity of Operations Planning

- The last recommendation worthy of noting is the development of a Continuity of Operation Plan. In the event of prolonged disaster which would or could force the closure or relocation of City government, it is imperative that essential functions remain unaffected and no City-wide plan currently exists. A limited number of departments, such as Technology, have specific Disaster Recovery and continuity plans such as their Redundant Data Center to secure essential software, applications, and electronic processes in the event of a disaster. In addition, a committee of key City staff has been assembled and is currently developing a City-wide plan which will become an annex to the City's Emergency Operations Plan.

Mr. Guzo advised that a memorandum has been submitted to the City Manager addressing in further detail the City's plan of corrective actions in response to the Peer Review Report and recommendations made by the City of Lynchburg.

Council Member Cutler inquired about involvement by the Western Virginia Water Authority in the emergency preparedness plan; whereupon, Mr. Guzo called attention to common mutual aid in the Roanoke Valley, and advised that large industrial entities such as American Electric Power and the Water Authority are identified in the current plan, and designated departments within the City will work as liaison to keep the various entities informed of pertinent information and any special projects, such as avian flu planning.

Council Member Cutler inquired about the use of school buses for evacuation purposes, if necessary; whereupon, Mr. Guzo advised that transportation is an issue of concern, a good line of communication is maintained, under the revised emergency operations plan all participants will understand their roles, and transportation is addressed as a part of National Incident Management System training.

He stated that following revision of the City's emergency operations plan, which will include all City departments, the process will move to the exercise and evaluation phase, consisting of testing, mock drills and various exercises.

The City Manager advised that tabletop exercises have been conducted in the past, with participation by school, utility company representatives and others, in order to review and determine individual responsibilities. She stated that keeping the Mayor and Members of Council informed is the responsibility of the City Manager through such forms of communication as facsimile transmissions, telephone calls, etc.

Council Member Lea stressed the importance of providing shelter with sufficient alternate power generation to support life safety operations, especially in view of certain situations that occurred as a result of hurricane Katrina. He also called attention to the City's responsibility to maintain the safety of those persons who are incarcerated in the City Jail.

#### ITEMS RECOMMENDED FOR ACTION:

**BUDGET-HOUSING/AUTHORITY-GRANTS:** The City Manager submitted a communication advising that CDBG, HOME and ESG funds provide for a variety of activities ranging from housing and community development to homelessness prevention and economic development through the U. S. Department of Housing and Urban Development (HUD); the City has received these entitlement grant funds for over 30 years and must reapply annually to HUD to receive funding; and on May 11, 2006, pursuant to Resolution No. 37391-051106, Council authorized filing the three separate funding applications as part of approving submission of the 2006-2007 Annual Update to the 2005-2010 Consolidated Plan to HUD.

It was further advised that the funding release process is underway, and HUD's letter of approval is forthcoming granting the City access to its 2006-2007 CDBG, HOME and ESG entitlements; the 2006-2007 Annual Update approved by Council included \$3,730,478.00 in new entitlement funds, anticipated program income, funds unexpended from prior year accounts and general funds which will be used as local match; and actions recommended in the report also include appropriation of an additional \$9,377.00 of HOME funds and an additional \$12,564.00 of CDBG funds being appropriated into unprogrammed accounts for use in future activities and will be incorporated into the Consolidated Plan at a later date through a revision or amendment.

It was explained that acceptance of the funds and appropriation or transfer to the various accounts are needed to permit 2006-2007 activities to proceed; and acceptance of the 2006-2007 HOME entitlement requires a local match which will be satisfied by an appropriation of \$100,000.00 from City of Roanoke general funds.

The City Manager recommended that Council take the following actions:

Adopt a resolution accepting 2006-2007 CDBG, HOME and ESG entitlement funds as set forth below, contingent upon receipt of an approval letter from HUD;

CDBG 2006-07 Entitlement	\$1,904,091.00
HOME 2006-07 Entitlement	680,487.00
ESG 2006-07 Entitlement	<u>80,954.00</u>
<b>TOTAL</b>	<b>\$2,665,532.00</b>

Authorize the City Manager to execute the required Grant Agreements, Funding Approval, and other forms required by HUD in order to accept the funds, to be approved as to form by the City Attorney;

Appropriate \$2,665,532.00 entitlement and \$455,431.00 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance;

Transfer \$80,515.00 in CDBG and HOME accounts from prior years to projects included in the 2006-2007 CDBG and HOME programs;

Increase the revenue estimate in CDBG revenue accounts by a total of \$357,564.00 and appropriate the funds into project expenditure accounts; and

Increase the revenue estimate in HOME revenue accounts by a total of \$93,377.00 and appropriate the funds into project expenditure accounts.

Council Member Dowe offered the following budget ordinance:

(#37422-061906) AN ORDINANCE to appropriate funding for the Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant Program, amending and reordaining certain section of the 2006-2007 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 347.)

Council Member Dowe moved the adoption of Ordinance No. 37422-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following resolution:

(#37423-061906) A RESOLUTION accepting the Fiscal Year 2005-2006 funds for the Community Development Block Grant program, the HOME Investment Partnerships program, and the Emergency Shelter Grant program, and authorizing the City Manager to execute the requisite Grant Agreement with the United States Department of Housing and Urban Development.

(For full text of Resolution, see Resolution Book No. 70, Page 350.)

Council Member Dowe moved the adoption of Resolution No. 37423-061906. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

**BUDGET-LANDMARKS/HIST. PRESERVATION-GRANTS:** The City Manager submitted a communication advising that the City of Roanoke received notification that an application for Certified Local Government (CLG) grant funds was reviewed and approved by the Virginia Department of Historic Resources (DHR); and funding will be used to develop a new set of Architectural Review Guidelines to be used by the Architectural Review Board to evaluate projects in Roanoke's historic districts.

It was further advised that the approved grant amount of \$10,000.00 will be matched with \$10,000.00 in City general funds available from the City Manager's Contingency, Account No. 001-300-9410-2199, for a total project amount of \$20,000.00; and the grant period is between June 1, 2006 and June 30, 2007.

The City Manager recommended that Council adopt a resolution accepting a \$10,000.00 Certified Local Government Grant for the Virginia Department of Historic Resources; that the City Manager be authorized to execute the Certified Local Government Grant Agreement, and any other forms required by the Department of Historic Resources in order to accept the funds; and that Council adopt a budget ordinance appropriating \$10,000.00 in grant funds and \$10,000.00 in local matching funds to an account to be established in the Grant Fund by the Director of Finance and establish corresponding revenue estimates.

Council Member Cutler offered the following budget ordinance:

(#37424-061906) AN ORDINANCE to appropriate funding from the Commonwealth of Virginia for a Certified Local Government Grant, amending and reordaining certain sections of the 2005-2006 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 351.)

Council Member Cutler moved the adoption of Ordinance No. 37424-061906. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Cutler offered the following resolution:

(#37425-061906) A RESOLUTION authorizing the acceptance of a Certified Local Government Grant from the Virginia Department of Historic Resources and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 70, Page 352.)

Council Member Cutler moved the adoption of Resolution No. 37425-061906. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

**BUDGET-HUMAN DEVELOPMENT-GRANTS:** The City Manager submitted a communication advising that the City of Roanoke Department of Social Services, in collaboration with the local departments of Social Services in Roanoke County, Franklin County, Craig County and Botetourt County, along with Total Action Against Poverty, Blue Ridge Behavioral Healthcare and Goodwill Industries of the Valleys, have been awarded an Employment Advancement for TANF Participants grant from the Virginia Department of Social Services (VDSS), in the amount of \$410,000.00; the abovenamed agencies have formed the Southwest Virginia Regional Employment Coalition; the grant is intended to assist citizens of localities who receive Temporary Assistance to Needy Families (TANF) benefits to obtain employment or, where appropriate, an alternative disability income; the grant will be in effect from June 1, 2006 through May 31, 2007, and it is anticipated that additional funding will be received to extend the grant through November 30, 2007; and the City of Roanoke will be the primary fiscal agent for the grant, and will be responsible for distributing grant proceeds to provider agencies for services provided to local DSS agencies, except that \$24,916.00 of the total grant may be accessed by Roanoke County directly from VDSS.

It was further advised that the abovereferenced grant funding is required to maintain and improve existing services to the TANF population which will enable them to obtain employment or, where appropriate, an alternative disability income.

The City Manager recommended that she be authorized to execute all appropriate documents related to acceptance of the grant, including additional funding that may become available, with all documents to be upon form approved by the City Attorney; and that Council adopt a budget ordinance establishing a revenue estimate, in the amount of \$385,084.00, and appropriating funds in the same amount to an expenditure account to be established in the Grant Fund by the Director of Finance.

Council Member McDaniel offered the following budget ordinance:

(#37426-061906) AN ORDINANCE to appropriate funding from the Commonwealth of Virginia for the Southwest Virginia Regional Employment Coalition Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 353.)

Council Member McDaniel moved the adoption of Ordinance No. 37426-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following resolution:

(#37427-061906) A RESOLUTION authorizing the acceptance of an Employee Advancement for TANF Participant grant under the Temporary Assistance to Needy Families (TANF) Project from the Virginia Department of Social Services for the purpose of maintaining and improving existing services to eligible TANF recipients which will enable them to obtain employment or, where appropriate, an alternate disability income; authorizing the City of Roanoke to serve as the primary fiscal agent for the distribution of such funds to the Southwest Virginia Regional Employment Coalition; and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of Resolution, see Resolution Book No. 70, Page 354.)

Council Member Dowe moved the adoption of Resolution No. 37427-061906. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

**BUDGET-GRANTS-CITY INFORMATION SYSTEMS:** The City Manager submitted a communication advising that each patrol vehicle for the Police Department contains a mobile data terminal (MDT) which enables officers to access crime information, receive/send messages and requests, receive and clear from dispatched calls and write police incident reports; the Police Department currently has over 90 of the units installed in police vehicles; and many of the units are near or past their five year window of reliable usability.

It was further advised that in March 2006, the Police Department applied for grant funding to replace 17 of the older MDTs; the application was made to the Office of Justice Programs under the Edward Byrne Memorial Justice Assistance Grant (JAG) solicitation; and as a result of the application, the Police Department has been awarded \$67,273.00 to be used to purchase computer equipment.

The City Manager recommended that Council accept the Mobile Data Terminal Grant award of \$67,273.00 from the Office of Justice programs and the Edward Byrne Memorial Justice Assistance Grant solicitation; that she be authorized to execute the grant agreement and any related documents, subject to approval as to form by the City Attorney; and that Council adopt a budget ordinance appropriating funds totaling \$67,273.00 to be used for the purchase of equipment and that a corresponding revenue estimate be established in accounts to be designated by the Director of Finance in the Grant Fund.

Council Member Dowe offered the following budget ordinance:

(#37428-061906) AN ORDINANCE to appropriate funding for mobile data terminals through the Byrne Memorial Justice Assistance Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 355.)

Council Member Dowe moved the adoption of Ordinance No. 37428-061906. The motion was seconded by Council Member Lea.

Council Member Dowe advised that the Edward Byrne Memorial Justice Assistance Grant is administered by the Virginia Department of Criminal Justice Services, to which he serves as an unpaid member of the Board of Directors, and inquired if he has a conflict of interest in voting on the matter.



The City Attorney advised that inasmuch as Mr. Dowe receives no remuneration for his service as a member of the Board of Directors, he has no conflict of interest and may cast his vote on the issues presently before the Council.

Ordinance No. 37428-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following resolution:

(#37429-061906) A RESOLUTION accepting the Mobile Data Terminal grant to the City from the Office of Justice Programs and the Edward Byrne Memorial Justice Assistance Grant, and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 70, Page 356.)

Council Member Dowe moved the adoption of Resolution No. 37429-061906. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the Commonwealth of Virginia has awarded the City of Roanoke \$73,584.00 from the State Interoperability Executive Committee (SIEC), which funds are awarded to successful applicants for activities that improve interoperable communications technology in Virginia.

It was further advised that during the last decade, the Roanoke Metropolitan Service Area's (RMSA) governmental partners and public safety agency stakeholders have worked to establish and to improve interoperability throughout the region to better respond to emergency events, coordinate safety services at incident sites, build cooperative relationships among first responders, expand channels of communication, and prevent terrorist related attacks; however, there is still the need for first responders with disparate radio systems to effectively communicate when arriving on scene during a natural or man-made disaster.

It was explained that the City of Roanoke has been awarded grant funding to be used to purchase 800mhz portable radios for issuance to first responders; the purchase of 38 Motorola XTS2500 handhelds presents an innovative solution in addressing disparate radio systems for first responders; because Roanoke serves as the hub of emergency services for the southwestern quadrant of Virginia, it is a perfect centralized location to house the new units, making the units accessible to numerous other jurisdictions within the state and surrounding states; and because the City of Roanoke is at a critical rail and interstate nexus, a problem in Roanoke could freeze rail and truck traffic along a major transportation corridor; the availability of a significant number of radios in Roanoke can streamline communications and make a critical difference in the ability of first responders to handle major emergencies; and because the City of Roanoke currently has Mutual Aid Agreements in place with numerous cities and counties in the region, addition of the radios will serve to upgrade communications capabilities of agencies that together serve a population of nearly three-quarters of a million citizens.

It was noted that equipment will be purchased before the mandatory deadline of October 31, 2006, as set forth by the State Interoperability Executive Committee.

The City Manager recommended that Council accept the Commonwealth of Virginia Interoperable Communications Grant and that she be authorized to execute the grant agreements and any related documents, subject to approval as to form by the City Attorney; and that Council adopt a budget ordinance appropriating \$73,584.00 to be granted by the Commonwealth of Virginia to be used for the purchase of equipment; and establish a corresponding revenue estimate in an account to be designated by the Director of Finance in the Grant Fund.

Council Member Lea offered the following budget ordinance:

(#37430-061906) AN ORDINANCE to appropriate funding from the Commonwealth of Virginia for the Interoperable Communications Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 358.)

Council Member Lea moved the adoption of Ordinance No. 37430-061906. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following resolution:

(#37431-061906) A RESOLUTION authorizing the acceptance of a grant from the Commonwealth of Virginia State Interoperability Executive Committee to be used to purchase 38 Motorola XTS2500 handhelds for issuance to first responders; and authorizing the execution of the necessary documents, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 70, Page 360.)

Council Member Dowe moved the adoption of Resolution No. 37431-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None -----0.

(Council Member Wishneff and Mayor Harris were absent.)

BUDGET-PARKS AND RECREATION-FLOOD REDUCTION/CONTROL: The City Manager submitted a communication advising that the Roanoke River Flood Reduction Project was proposed by the United States Army Corps of Engineers in 1984 and approved by a voter referendum on April 11, 1989; as part of the Local Cooperation Agreement between the City and the Corps of Engineers for design and construction, the City of Roanoke is required to acquire all necessary property rights; and authorization to acquire property rights was granted by Council, pursuant to Ordinance Nos. 29733-91189, 34629-010400, and 35713-012202.

It was further advised that property rights acquisition, Phase II, includes affected properties between the City of Roanoke/Salem boundary and the Hannah Court area; a map was transmitted to Council showing the extent of Phase II and a list of parcel numbers and property owners for property that needs to be acquired for Phase II; a substantial portion of Parcel 1221406 is needed for the Roanoke River Flood Reduction Project; the remainder of Parcel 1221406, designated Tract A-1, and Parcel 1221301, shown on Tract B, are identified for future park and recreational uses in conjunction with the proposed Roanoke River Greenway; this use for open space and recreation purposes is identified in the Future Land Use Plan and Quality of Life section of the Hurt Park - Mountain View - West End Neighborhood Plan adopted by Council on June 16, 2003, as a component of Vision 2001-2020, the City's Comprehensive Plan; and sufficient funds have been appropriated in Account No. 008-056-9620 to support acquisition of property rights.

The City Manager recommended that Council adopt an ordinance authorizing the City Manager and the City Attorney to take all necessary measures to acquire all property rights necessary for Phase II of the flood reduction project, and the remainder of tax parcel 1221406 and all of tax parcel 1221301 for open space, park and recreational purposes; and such property rights may be acquired by negotiation, or eminent domain, and may include fee simple, permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc.

Council Member Cutler offered the following ordinance:

(#37432-061906) AN ORDINANCE authorizing the City Manager to take appropriate action to acquire certain real estate and interests in real estate needed by the City for the construction and development of Phase II of the Roanoke River Flood Reduction Project; authorizing the City Manager to establish the consideration to be offered by the City for each parcel; authorizing the acquisition of such property by condemnation if a voluntary purchase cannot be

obtained; authorizing the City Attorney to make motion for the award of a right of entry on any of the parcels for the purpose of commencing the development of the Project; authorizing the inclusion of any required City owned real estate in such Project; authorizing access to the property by the United States Army Corps of Engineers; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 70, Page 361.)

Council Member Cutler moved the adoption of Ordinance No. 37432-061906. The motion was seconded by Council Member Lea.

Council Member Cutler advised that he supports adoption of the abovereferenced ordinance which authorizes acquisition of property located at the Hannah Court Mobile Home Park on the Roanoke River. He stated that this property, when combined with the adjoining property to be acquired for the Flood Reduction Project, lends itself to becoming one of the premiere recreational parks in the City of Roanoke; and its view of the Roanoke River and its role as a right-of-way for the Roanoke River Greenway make an essential component of a future Roanoke River Park. He added that as he leaves his post on City Council it is hoped that seed he has tried to plant in the form of an idea of a Salem to Vinton City Park along the Roanoke River will germinate and become a reality, and the abovereferenced property acquisitions will help to make the River Park from one end of the City to the other an eventual reality.

Ordinance No. 37432-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Cutler offered the following ordinance:

(#37433-061906) AN ORDINANCE authorizing the City Manager to take appropriate action to acquire certain property consisting of Official Tax Map No. 1221301 and a portion of Official Tax Map No. 1221406 for the development of open space, park, and recreational purposes; authorizing the acquisition of such property by condemnation if a voluntary purchase cannot be obtained; authorizing the City Manager to establish the consideration to be offered by the City for such parcels; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 70, Page 363.)

Council Member Cutler moved the adoption of Ordinance No. 37433-061906. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

**TRAFFIC-CITY CODE-WEED ABATEMENT PROGRAM:** The City Manager submitted a communication advising that with the support of Council, she requested City staff to evaluate how the City abates blight issues; in an effort to better address the blight issues within the City, the City Manager established a code enforcement review team comprised of members from several City departments; and the code enforcement review team has worked together to identify more efficient and effective ways to aggressively address blight issues within the City of Roanoke.

It was further advised that in an effort to streamline the notification process, the code enforcement review team worked with the City Attorney's Office to evaluate whether or not a more efficient method of notifying the owner of a property can be utilized under state law; currently the property owner is notified by certified mail that they are in violation of the City's nuisance weed and trash ordinance; if an owner has an inoperable vehicle located on their property, the current practice is to post a notice on the vehicle and to notify the owner by certified mail; the cost of the certified mailings is in excess of \$12,000.00 per year; the code enforcement review team has requested that a more streamlined notification process be created that would eliminate the need to send the notice by certified mail; proposed City Code changes would standardize the notice process for violations of the nuisance weed and trash ordinance with the inoperable vehicle ordinance; the new notice procedure would require that each property, upon which there is a violation be posted with a notice in a conspicuous location, and that the notice either be served on the owner in person or mailed to the owner via regular mail; the proposed process streamlines the notification process for City staff while preserving an effective method of notification to the owner; and after making such service, staff will prepare an affidavit certifying that the property has been posted and that the required notice has been mailed to the owner.

It was explained that the code enforcement review team held several neighborhood meetings to receive input from the public on neighborhood concerns related to code enforcement issues; proposed code amendments are a first step by the City to address some of the neighborhood concerns that were expressed at the public meetings; the City has also worked with the Commonwealth Attorney's Office to have a prosecutor dedicated to the prosecution of code enforcement violations; the City is also cross training its employees to improve the City's enforcement efforts; and the code enforcement review team will continue to work with various City departments, the City Attorney's Office, and neighborhoods to identify and implement efficiencies in the City's code enforcement efforts.

The City Manager recommended that Council adopt ordinances amending Section 20-127, *Notice of Violation*; Section 20-129, *Disposal of unclaimed inoperable vehicles*, and Section 33-20, *Notice of removal of weeds; preabatement hearing*, of the Code of the City of Roanoke (1979), as amended, to change the method of notifying the owner of property on which there is an inoperable motor vehicle, or the owner of a property with nuisance weeds or trash, effective July 1, 2006.

Council Member Dowe offered the following ordinance:

(#37434-061906) AN ORDINANCE amending and reordaining §20-127, Notice of Violation, of Article VI, Keeping of Inoperable Motor Vehicles, of Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 363.)

Council Member Dowe moved the adoption of Ordinance No. 37434-061906. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following ordinance:

(#37435-061906) AN ORDINANCE amending and reordaining §20-129, Disposal of unclaimed inoperable motor vehicles, of Article VI, Keeping of Inoperable Motor Vehicles, of Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 364.)

Council Member Dowe moved the adoption of Ordinance No. 37435-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following ordinance:

(#37436-061906) AN ORDINANCE amending and reordaining §33-20, Notice of removal of weeds; preabatement hearing, of Article II, Weed and Trash Abatement, of Chapter 33, Vegetation and Trash, Code of the City of Roanoke (1979), as amended; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 366.)

Council Member Dowe moved the adoption of Ordinance No. 37436-061906. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS:None -----0.

(Council Member Wishneff and Mayor Harris were absent.)



CITY CODE-ANIMALS/INSECTS: The City Manager submitted a communication advising that during the 2006 Session, the General Assembly of Virginia amended State Code enabling provisions governing the enforcement of laws related to dangerous and vicious dogs; among other things, State law now requires that the court determine that a dog is either dangerous or vicious; previously, State law allowed a local government to adopt its own dangerous and vicious dog ordinance, paralleling State law; the present City ordinance allows the City's animal control officers to determine whether a dog is dangerous or vicious; if the dog's owner disagrees with the animal control officer's determination, the owner can appeal such determination to the General District Court; under new State law, the animal control officer, or a law enforcement officer, must file an application with the Magistrate to have the owner summoned before the General District Court for a hearing to determine whether a dog is dangerous or vicious; the City must prove its case that the dog is dangerous or vicious beyond a reasonable doubt; changes in the proposed ordinance are required in order for the City Code to comply with revised State enabling legislation; and other required changes pertain to the definitions of "dangerous" and "vicious" dogs, new requirements that such dogs be reported to a new State registry of such dogs, and other procedural changes.

The City Manager recommended that Council amend §6-22, Definitions, and Division 3, Dangerous and Vicious Dogs, of Article II, Dogs Generally, Chapter 6, Animals and Fowl, Code of the City of Roanoke (1979), effective July 1, 2006.

Council Member McDaniel offered the following ordinance:

(#37437-061906) AN ORDINANCE amending and reordaining §6-22, Definitions, and Division 3, Dangerous and Vicious Dogs, of Article II, Dogs Generally, of Chapter 6, Animals and Fowl, Code of the City of Roanoke (1979), as amended; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 368.)

Council Member McDaniel moved the adoption of Ordinance No. 37437-061906. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

POLICE DEPARTMENT-BUDGET: The City Manager submitted a communication advising that in 1991, the Virginia General Assembly passed State legislation allowing local law enforcement to seize and have forfeited property connected with illegal narcotics distribution; the law also makes it possible for police departments to receive proceeds from forfeited properties; application for an equitable share of the property seized by local law enforcement must be made to the Department of Criminal Justice Services, Forfeited Asset Sharing Program, and certified by the Chief of Police; property, including funds shared with State and local agencies, may be used only for law enforcement purposes; program requirements mandate that the funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenue totaling \$21,997.00 has been collected and is available for appropriation in the State Asset Forfeiture Account Nos. 035-640-3302-3299 and 035-640-3302-3300.

It was further advised that drug and other undercover investigations extend past the normal work day/period, thus requiring overtime; and State funds will be used to cover overages in overtime expenses for drug and other undercover activities.

It was explained that in 1986, Congress authorized the transfer of certain Federally forfeited property to State and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the U. S. Attorney; the property, including funds shared with State and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement; and participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, and funds offset the costs that would otherwise have to be borne by the City's taxpayers.

It was noted that the Police Department receives funds periodically from the Federal government's asset sharing program; grant requirements mandate that the funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenue totaling \$116,774.00 has been collected and is available for appropriation in Federal Asset Forfeiture Account Nos. 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council adopt an ordinance increasing Grant Fund revenue estimates and appropriating funds for the State Asset Sharing and Federal Forfeited Property Sharing grants, as follows:

Revenues:

State Asset Forfeiture - Interest	035-640-3302-3299	\$ 1,189.00
State Asset Forfeiture	035-640-3302-3300	20,808.00
Federal Forfeiture	035-640-3304-3305	92,431.00
Federal Forfeiture - Interest	035-640-3304-3306	24,343.00

Appropriations:

Overtime Wages	035-640-3302-1003	\$20,434.00
FICA	035-640-3302-1120	1,563.00
Investigations and Rewards	035-640-3304-2150	116,774.00

Council Member Dowe offered the following budget ordinance:

(#37438-061906) AN ORDINANCE appropriating funding for the State Asset Sharing Program and Federal Forfeited Property Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 376.)

Council Member Dowe moved the adoption of Ordinance No. 37438-061906. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

**BUDGET-HOUSING/AUTHORITY-TOTAL ACTION AGAINST POVERTY-GRANTS:**  
 The City Manager submitted a communication advising that since 1965, Total Action Against Poverty (TAP) has developed and executed programs that promote adequate housing, employment, health and nutrition, and education for the citizens of Roanoke and surrounding areas; for the past three years, TAP's Emergency Home Repair (EHR) program, formerly the Helping Elderly Live Pleasantly (HELP) program, performed emergency home repairs for approximately 84 needy citizens of Roanoke; and a total of \$100,000.00 in Community Development Block Grant Funds (CDBG) has been provided to TAP to conduct such activities during the 2005-2006 period.

It was further advised that in July 2005, the City approached TAP to assist a family in need of extraordinary emergency repairs to their home; total cost of repairs was approximately \$27,000.00, which was significantly above TAP's normal average repair costs of \$3,500.00 per home; and given the considerable amount of funds provided to the project, the program will not be able to assist as many residents as planned.

It was explained that in order for TAP to serve the intended number of homeowners under the current CDBG agreement, authorization by Council is needed to execute an amendment in order to add \$24,000.00 to the agreement; CDBG funds needed for the amendment will be transferred from unprogrammed funds; and, in addition, a 31-day extension to the agreement is needed to complete work on the homes.

The City Manager recommended that Council take the following actions:

Authorize the City Manager to execute an amendment to the 2005-2006 CDBG Subgrant Agreement with Total Action Against Poverty, to be approved as to form by the City Attorney, to increase funding by \$24,000.00 and to extend TAP's agreement through July 31, 2006.

Adopt an ordinance transferring \$24,000.00 in CDBG funds as follows:

Transfer \$2,688.00 from Account No. 035-G03-0320-5468 (World Changers 2005) to Account No. 035-G03-0320-5470 (TAP-Emergency Home Repair).

Transfer \$18,159.00 from Account No. 035-G04-0420-5354 (BRHDC Connect Four) to Account No. 035-G04-0420-5470 (TAP-Emergency Home Repair).

Transfer \$3,153.00 from Account No. 035-G05-0530-5439 (Gainsboro/Gilmer Façade Grants) to Account No. 035-G05-0520-5470 (TAP-Emergency Home Repair).

Council Member Dowe offered the following budget ordinance:

(#37439-061906) AN ORDINANCE to appropriate additional funding for the TAP Emergency Home Repair Program, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 377.)

Council Member Dowe moved the adoption of Ordinance No. 37439-061906. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following resolution:

(#37440-061906) A RESOLUTION authorizing the City Manager to execute Amendment No.1 to the 2005-2006 CDBG Subgrant Agreement with Total Action Against Poverty and to extend the Subgrant Agreement through July 31, 2006, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 70, Page 378.)

Council Member Dowe moved the adoption of Resolution No. 37440-061906. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

**BUDGET-HUMAN DEVELOPMENT-FIFTH PLANNING DISTRICT COMMISSION:**  
 The City Manager submitted a communication advising that the Fifth Planning District Commission Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; the following jurisdictions in the Fifth Planning District have enacted resolutions establishing participation in a regional effort and have appointed a local official to serve: the Cities of Roanoke, Salem, and Covington; the Counties of Roanoke, Craig, Botetourt, and Alleghany and the Towns of Clifton Forge and Vinton; other members of the DSB include representatives from business and consumers; and the City of Roanoke serves as fiscal agent for the Fifth Planning District Disabilities Services Board.

It was further advised that the State Department of Rehabilitative Services has allocated funds in the amount of \$14,800.00 for a one-year period to continue local staff support for administration of the Fifth District DSB.

The City Manager recommended that she, or her designee, be authorized to enter into a contract with existing DSB staff support to continue the provision of local administrative support; and that Council appropriate \$14,800.00 to an account to be established by the Director of Finance in the Grant Fund and establish revenue in a corresponding amount.

Council Member Dowe offered the following budget ordinance:

(#37441-061906) AN ORDINANCE to appropriate funding for the Fifth District Disability Services Board Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 379.)

Council Member Dowe moved the adoption of Ordinance No. 37441-061906. The motion was seconded by Council Member Lea and adopted by the following vote

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following resolution:

(#37442-061906) A RESOLUTION authorizing the City Manager to enter into a contract with the Fifth Planning District Commission Disability Services Board ("DSB") staff to provide continuing local administrative staff support, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 70, Page 380.)

Council Member Dowe moved the adoption of Resolution No. 37442-061906. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funds for marketing of the Roanoke Valley as a convention and destination tourism site; as part of the annual budget adopted by Council on May 11, 2006, the Memberships and Affiliations budget includes funds totalling \$511,440.00 specifically designated for the RVCVB; and an additional \$306,000.00 is designated in the annual budget for marketing efforts and will go to the RVCVB, subject to an adjustment provision as set forth in the agreement.

It was further advised that the City has negotiated a one-year agreement, commencing July 1, 2006, with the RVCVB detailing the use of funds; the agreement provides for the same number of City of Roanoke representatives on the RVCVB Board of Directors as last year; the agreement also contains a mutual indemnity clause in paragraph 9 which requires approval by Council; the RVCVB submitted a detailed report listing its accomplishments through April 2006, and an annual budget and work plan for fiscal year 2006-2007 will be submitted to the City Manager for review and approval, following approval by the RVCVB Board of Directors.

The City Manager recommended that she be authorized to execute an agreement in the amount of \$817,440.00 with the RVCVB, in a form to be approved by the City Attorney, for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism.

Council Member Dowe offered the following resolution:

(#37443-061906) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 70, Page 381.)

Council Member Dowe moved the adoption of Resolution No. 37433-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

LEASES-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke currently leases 3,444.5 rentable square feet of office space at 111 Franklin Road, Suite 200, for the Economic Development Division of the Department of Planning Building and Economic Development; and is currently in the second year of a three-year lease.

It was further advised that funding for the lease was included in the Economic Development Division budget; the division would like to lease an additional 900 rentable square feet of space on the third floor of 111 Franklin Plaza in order to create two additional offices which would house the newly created Public Art Coordinator, Special Projects Coordinator, and allow sufficient space for an intern and a storage-production area; the additional space would be leased at the same per square foot rate as the existing lease; and annual rental of the additional space will be paid in monthly installments, as follows:

July 1, 2006 - May 31, 2007	\$14,025.00 (11 months)	\$1,275.00 per month
June 1, 2007 - May 31, 2008	\$15,525.00	\$1,293.75 per month



It was explained that amendment for additional space would be coterminous with the current Economic Development lease; neither the existing lease nor the Amendment for additional space includes a renewal clause; and additional rent will be funded for the next year through the City Manager's Contingency Fund.

The City Manager recommended that she be authorized to execute the second amendment to the lease agreement with Crown Roanoke, LLC, a Virginia Limited Liability Company, for 900 rentable square feet of office space on the third floor of 111 Franklin Plaza for a period of two years, beginning July 1, 2006 and ending May 31, 2008; with all documents to be upon form approved by the City Attorney.

Council Member Dowe offered the following ordinance:

(#37444-061906) AN ORDINANCE authorizing the City Manager to execute an amendment to the lease agreement dated May 16, 2005, between the City of Roanoke and Crown Roanoke, LLC., a Virginia limited liability company, to execute a second amendment to the lease agreement for an additional 900 square feet on the third floor of 111 Franklin Road, Roanoke, Virginia, for a period of two years, beginning June 19, 2006, and expiring May 31, 2008; upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 382.)

Council Member Dowe moved the adoption of Ordinance No. 37444-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

BRIDGES: The City Manager submitted a communication advising that on December 6, 1999, Council awarded a contract to Hayes, Seay, Mattern & Mattern, Inc. (HSMM) for design of the Downtown North Parking Garage (Gainsboro) and the First Street Bridge (since renamed the Martin Luther King, Jr., Memorial Bridge); four amendments to the contract have been executed for additional design services; and the original contract was for \$560,000.00 and four amendments totaled \$306,567.00.

It was further advised that City staff has negotiated a contract amendment for construction administration services for reconstruction of the Martin Luther King, Jr. Memorial Bridge, in the amount of \$99,990.00; contract term will run concurrent with the contract for construction; approval of the contract amendment by Council is necessary inasmuch as amendments exceed 25 per cent of the initial contract value; and funding is available in Account No. 008-052-9574 "First Street Pedestrian Bridge" for the proposed amendment.

The City Manager recommended that she be authorized to execute Amendment No. 5 for the abovereferenced additional services with Hayes, Seay, Mattern & Mattern, Inc., in the amount of \$99,990.00.

Council Member Dowe offered the following resolution:

(#37445-061906) A RESOLUTION authorizing the City Manager to execute Amendment No.5 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services for the Downtown North Parking Garage (Gainsboro) and First Street Bridge.

(For full text of Resolution, see Resolution Book No. 70, Page 383.)

Council Member Dowe moved the adoption of Resolution No. 37445-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

**BUDGET-INDUSTRIES-ECONOMIC DEVELOPMENT:** The City Manager submitted a communication advising that in 2005, United HealthCare Services, Inc. (UHS), a wholly owned entity of United HealthGroup, requested assistance from the City to help UHS maintain and expand operations in the facility that it leases at 3645 Thirlane Road, N. W.; City staff worked with UHS and arrived at the recommendations contained in the communication; the 160 permanent, full-time jobs existing at the facility in June 2005 will remain and at least 250 additional new, permanent, full-time jobs will be created on or before December 27, 2007; a Performance Agreement with UHS provides for up to \$50,000.00 in funds for retraining permanent City residents who were employed at the facility as of June 27, 2005, and up to another \$50,000.00 for permanent City residents hired on or after June 28, 2005, and before December 27, 2007; grants of \$500.00 per City resident will be made by the Industrial Development Authority of the City of

Roanoke (IDA); all job positions will have to continue without interruption from the date of creation through either the date that the total grant amount is paid, or December 27, 2007, whichever occurs first; if such job positions are not maintained by UHS, no further job grants may be requested; details of the provisions, as well as other terms of the Agreement, are set forth in a Performance Agreement; and since City provided funds will not be paid until grant requirements are met, no repayment provision is needed in the Agreement.

The City Manager recommended that Council take the following actions:

Approve the substance of the terms of the Performance Agreement among the City, the IDA, and UHS as set forth in an attachment to the communication and determine that such grants provided for by such Agreement will promote economic development within the City and the Roanoke Valley.

Authorize the City Manager to enter into a Performance Agreement with United HealthCare Services, Inc., and the Industrial Development Authority of the City of Roanoke, in a form to be approved by the City Attorney.

Authorize the City Manager to take such actions and to execute such documents as necessary to implement and administer the Performance Agreement.

Appropriate \$100,000.00 from the Economic and Community Development Reserve to an account to be established by the Director of Finance in the Capital Projects Fund.

Council Member Dowe offered the following budget ordinance:

(#37446-061906) AN ORDINANCE to appropriate funding from the Economic and Community Development Reserve to the United HealthCare Services Project, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 384.)

Council Member Dowe moved the adoption of Ordinance No. 37446-061906. The motion was seconded by Council Member Lea.

In response to a question by Council, City Manager advised that payments will be made only for City residents who are trained or retrained in jobs, and the employment of those persons who currently reside in the City of Roanoke is encouraged, as opposed to filling the jobs by persons who live in surrounding jurisdictions.

Ordinance No. 37446-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

Council Member Dowe offered the following ordinance:

(#37447-061906) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke (City), the Industrial Development Authority of the City of Roanoke, Virginia (IDA), and United HealthCare Services, Inc., (UHS), that provides for certain undertakings by the parties in connection with the maintenance and creation of certain jobs by UHS within the City of Roanoke; to provide for the appropriation of up to \$100,000.00 by the City to the IDA for grants to UHS for the purpose of economic development, as further set forth below; and dispensing with the second reading by title of this Ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 385.)

Council Member Dowe moved the adoption of Ordinance No. 37447-061906. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

DIRECTOR OF FINANCE:

CITY CODE-PENSIONS: The Director of Finance submitted a communication advising that the City of Roanoke Pension Plan (the Plan) is a multi-employer Plan; the Plan covers substantially all full-time regular employees of the City of Roanoke, the Roanoke Regional Airport Commission, and the Roanoke Valley Detention Commission, certain employees of the Roanoke Valley Resource Authority, certain employees of the Western Virginia Water Authority, and certain non-professional City School Board employees; employees of the City Sheriff's Department are not covered by the Plan; and the City Code is periodically amended in order to clarify or modify provisions to maintain equity and operational compliance with governmental regulations.

It was further advised that the Western Virginia Water Authority was created in July 2004; §22.2-2 of the Code of the City of Roanoke was modified to provide for existing employees to continue participating in the Plan, and new employees participating in the Virginia Retirement System; and in order to synchronize the previous modification to one relating to the Roanoke Valley Resource Authority, an additional statement should be added to the City Code to indicate that "no new employees hired on or after July 1, 2004 shall be eligible to participate in the City Plan".

It was explained that certain non-professional City School Board employees have historically participated in the Plan, while professional employees of the City School Board have participated in the Virginia Retirement System (VRS); in order to maintain consistency among all employees and to provide comparable benefits, effective July 1, 2006, all new School Board employees will participate in VRS; employees currently employed will maintain enrollment in the City Plan until separation from service or retirement; and the School Board modified its administrative procedures on March 7, 2006 to coincide with the change, effective July 1, 2006.

It was further explained that during recent years, the City has had several employees with full-time positions who have worked less than a full-time schedule and received full service credit for purposes of retirement credit; the current City Code does not provide for a service credit proration for positions eligible for the retirement benefit working less than full time; and in order to provide service credit consistent with service performed, language should be added to the City Code to provide for a pro-rated benefit for employees whose work schedule is less than full time for a specific position.

The Director of Finance recommended that Council adopt an ordinance that will:

- Clarify that after July 1, 2004, no new members of the Western Virginia Water Authority may become members of the Plan.
- Provide that effective July 1, 2006, no new School Board employees will become members of the Plan.
- Provide that employees that work less than a full-time schedule and earn pension benefits will receive pro rata service credit.

Council Member Dowe offered the following ordinance:

(#37448-061906) AN ORDINANCE amending and reordaining §22.2-2, Definitions, and §22.2-31, Restoration of beneficiaries to membership, and adding a new §22.2-34, Prorated creditable service for less than full-time work, to Chapter 22.2, Pensions and Retirement, Code of the City of Roanoke (1979), as amended; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 387.)

Council Member Dowe moved the adoption of Ordinance No. 37448-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

#### REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting that Council appropriate \$400,000.00 from the Federal Government for the Food Services program to cover current and projected expenditures until the adjusted allocation of Federal funds is received, was before the body.

It was advised that the Food Services program has experienced significant increases in the cost of food service equipment and supplies, fresh produce, dairy products, and other food items because of the impact of hurricane Katrina and a significant increase in the price of fuel.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Council Member Dowe offered the following budget ordinance:

(#37449-061906) AN ORDINANCE to appropriate funding from the Federal Government for School Food Services, amending and reordaining certain sections of the 2005-2006 School Food Services Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 391.)

Council Member Dowe moved the adoption of Ordinance No. 37449-061906. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council transfer funds from debt reserve, in the amount of \$1,150,000.00, to State support categories in order to provide sufficient funds to meet current year obligations of the district within each State category, advising that the additional amount is required to compensate for the increase in fuel and related costs, was before the body.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Council Member Dowe offered the following budget ordinance:

(#37450-061906) AN ORDINANCE to transfer funding from the debt service contingency for various funding needs, amending and reordaining certain sections of the 2005-2006 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 392.)

Council Member Dowe moved the adoption of Ordinance No. 37450-061906. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:  
NONE.

DIRECTOR OF FINANCE-CITY CLERK-CITY ATTORNEY-CITY MANAGER-CITY EMPLOYEES-MUNICIPAL AUDITOR: Council Member Dowe offered the following ordinance establishing the compensation for certain Council Appointed Officers for fiscal year 2006-2007:

(#37451-061906) AN ORDINANCE establishing compensation for the City Manager, City Attorney, Director of Finance, Municipal Auditor, and City Clerk for the fiscal year beginning July 1, 2006; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 394.)

Council Member Dowe moved the adoption of Ordinance No. 37451-061906. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None-----0.

(Council Member Wishneff and Mayor Harris were absent.)



## MOTIONS AND MISCELLANEOUS BUSINESS:

## INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

YOUTH: Council Member Dowe advised that for some time the community has discussed the issue of what can be done in the City of Roanoke to address violence, specifically with respect to reconnecting with Roanoke's young people. He stated that what happens to young people is far more than a community problem, or a family problem, or a school problem, or a neighborhood issue, but an all inclusive issue that affects the future of the entire community. He added that history shows that youth become disconnected when they are out of work, out of school, lack positive and structured activities, and, most importantly, lack strong connections to caring adults in the community. To this, he stated that a community summit on youth will be held on Thursday, August 3, 2006, at 6:00 p.m., at the Roanoke Civic Center, the purpose of which will be to discuss strategies to engage all segments of the community in reclaiming Roanoke's youth. He added that in conjunction with the Mayor and Delegate Onzlee Ware, the following persons have been invited to serve on a committee to study issues that affect Roanoke's youth: Duke Curtis, the Reverend David Walton, Kathy Stockburger, Alice Szathmary, Carla Terry, Melvin Hill, a representative of the President's Council which represents Roanoke's neighborhoods, and a member of the City's Youth Commission. He explained that the responsibility of the committee will be to assist with planning the summit, to compile feedback, to address problematic issues regarding Roanoke's youth, and to work with Council, City staff and other groups within the community to develop plans and to identify ways to show Roanoke's youth that their City cares about them. He advised that with the discussion and input which is anticipated to be generated as a result of the Youth summit the City of Roanoke can recapture its youth and develop programs of interest to youth, leading to a sustainable and significant change and a bright future for Roanoke's young people.

CITY COUNCIL: Inasmuch as this is her last official City Council meeting, Council Member McDaniel advised that it has been a privilege to serve on the Council of the City of Roanoke. She stated that Roanoke is in the hands of very competent individuals; and the City Manager is to be commended for putting together a team of professional employees who are knowledgeable, professional and devoted to their individual responsibilities. She commended Darlene Burcham who is not only a very savvy City Manager, but a very caring individual, and advised that she has enjoyed working with her colleagues on the City Council. She added

that her greatest disappointment has been the lack of civility that has been displayed by some of Roanoke's citizens who have appeared before the Council at various times, whereupon she asked that all citizens remember that regardless of which side of the Council dias they sit on, they all share a common goal which is to make the City of Roanoke a better place to live and work. She expressed appreciation to the Members of Council for their friendship and support and most of all for their trust in appointing her to serve on the Council.

CITY COUNCIL: Vice-Mayor Fitzpatrick advised that based upon certain recent situations that the Council has addressed, he would like for it to be known that at this afternoon's meeting and the 7:00 p.m. Council session, Council will listen to the remarks of citizens, but if any person engages in personal attacks, the individual will be ruled out of order and Council will move on to the next speaker, or, if necessary, the Council meeting will be declared in recess. He stated that all persons will be treated equally, even though diverse feelings may prevail.

CITY COUNCIL: This being his last official City Council meeting Council Member Cutler bid farewell to his colleagues on the Council and the citizens of the City of Roanoke. He welcomed the new members of City Council, and expressed the hope that they, in conjunction with the sitting Council, will continue the momentum of progressive leadership that has been exhibited during the past four years by the City of Roanoke's elected and appointed officials. He stated that it was a pleasure and honor to serve with Mayor Ralph K. Smith and Mayor C. Nelson Harris, and with his Council colleagues William Bestpitch, William Carder and Lynda Wyatt, as well as current Council members. He commended the City Manager upon being a forceful agent for positive change within policy guidelines established by the Council. He further stated that Ms. Burcham is skillful at bringing diversity to City staff, and bringing an interdisciplinary team approach to City management issues problem solving and he has enjoyed working with her and her talented staff of employees. He added that while Council has resolved certain issues such as the stadiums and addressed important needs such as libraries, many more needs exist such as refreshing the City Market Building and downtown Roanoke in general and donating conservation easements on Mill Mountain and Carvins Cove. He expressed appreciation to the Council and to the citizens of Roanoke who make the City of Roanoke one of the best places in America to live.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

BRIDGES: Mr. Bill Modica, 1546 Creek Lane, Salem, Virginia, commended Council for its commitment to designate the former First Street Bridge as a memorial to Dr. Martin Luther King, Jr., which is a fitting choice because the structure will bridge the gap between historic black neighborhoods and the historic black business community with the core of the downtown business district. He stated that it is also hoped that the bridge will provide a link to connect the Lick Run Greenway Project with downtown Roanoke and provide an opportunity for a walking trail between the northern ends of the City and the Central Business District. He added that he was personally involved in preservation of the historic Ebony Club building located in the Gainsboro community which is significant and important to the success of the Dumas Music School and the proposed culinary institute that will occupy the Ebony Club and some of the adjoining buildings and stressed the importance of continuing the viability and the economic value of the district to the City of Roanoke and to the entire Roanoke Valley. To that end, he stated that parking will be one of the key issues to be addressed by Council and since parking is currently limited because of the Roanoke Higher Education Center, proposed development of the Dumas Center and the new culinary school, any other developments proposed for the area could be a disincentive for parking. He added that access to the community is also a major issue which Council should be aware of as future proposals are considered. He recommended that Council pay strict attention to the expertise of the City Planning Commission, which is familiar with neighborhood values and economic development, as Council reviews proposals for the Gainsboro area. He advised that at its 7:00 p.m. session, Council will consider a proposal to close certain streets in the Gainsboro area and it is hoped that the Council's decision will be made in the best interests of the historic value that the neighborhood brings to not only the City of Roanoke, but to the entire Roanoke Valley.

In closing, he paid personal tribute to the service of retiring Council Members Cutler and McDaniel.

POLICE DEPARTMENT-COMPLAINTS-ENVIRONMENTAL ASSESSMENTS-SCHOOLS: Mr. Howard L. Cooper, Jr., 3022 Hickory Woods Drive, N. E., commended the Police Department on the City's neighborhood watch program, however, he stated that more work needs to be done to strengthen the program. He added that all citizens should be actively involved in their community in order to make Roanoke a better place to live and work. He referred to alleged contamination of the soil at Lucy Addison Middle School as a result of a landfill that previously existed on the site and urged the City to periodically monitor the condition of the soil and report any findings to the citizens of Roanoke. He also spoke to the need to upgrade textbooks in Roanoke's school class rooms to ensure that each child in the Roanoke City Public School System is provided with the textbooks they need in order to have a successful educational experience.

ARMORY/STADIUM: Mr. John E. Kepley, 2909 Morrison Street, S. E., spoke with regard to the renovation of Victory Stadium and accused some Members of Council of making false statements/promises regarding the fate of Victory Stadium.

The Vice-Mayor instructed Mr. Kepley to direct his remarks to the Victory Stadium issue and to not engage in personal comments, or he would be ruled out of order.

Mr. Kepley stated that four Members of Council will be remembered for their vote to demolish Victory Stadium which has caused grief and anguish for a large majority of Roanoke's citizens. He advised that the tearing down of Victory Stadium will lead to a continual death of the City of Roanoke and a division of Roanoke's citizenry.

SALE/PURCHASE OF PROPERTY: Ms. Patricia D. Baker, 3109 Kershaw Road, N. W., proposed that the Countryside Golf Course property be used for a municipal golf course, including an upscale restaurant and swim resort. She stated that the golf course could generate much needed revenue for the City of Roanoke in the range of \$700,000.00 to \$1 million annually.

The Vice-Mayor advised that the remarks of Ms. Baker would be referred to the City Manager for report.

STREETS AND ALLEYS: Ms. V. Lee Wolfe, representing the Gainsboro Neighborhood Alliance, spoke in support of the request of Total Action Against Poverty and the Roanoke Redevelopment and Housing Authority to permanently vacate, discontinue and close First Street from Wells Avenue to a point past the intersection with the south side of Loudon Avenue, N. W.

#### CITY MANAGER COMMENTS:

COMMITTEES-FIRST CITIES COALITION: The City Manager announced that at a recent meeting of the Board of Directors, Vice-Mayor Fitzpatrick was elected as a member of the Executive Committee of Virginia First Cities Coalition.

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: The City Manager expressed appreciation to Council Members Cutler and McDaniel for their kind remarks with regard to the City's work force, and stated that citizens of the City of Roanoke are served by dedicated and passionate public service employees; and she is proud to serve as their City Manager.

At 4:20 p.m., the Vice-Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building.

At 7:00 p.m., on Monday, June 19, 2006, the Council meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr. presiding.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Sherman P. Lea and Vice-Mayor Beverly T. Fitzpatrick, Jr. -----6.

ABSENT: Mayor C. Nelson Harris -----1.

The Vice-Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Beverly T. Fitzpatrick, Jr.

BID OPENINGS:

LEASES-ART MUSEUM OF WESTERN VA-AIR RIGHTS: Pursuant to notice of advertisement for bids for the lease of air rights above the right-of-way of Norfolk Avenue, Williamson Road, and Salem Avenue, S. E., identified as Official Tax Nos. 4010205 and 4010210, for a term of 60 years, said bids to be received in the City Clerk's Office until 12:00 p.m., on Monday, June 19, 2006, and to be held, unopened, until 7:00 p.m., at which time the bids would be opened and read before the Council, the matter was before the body.

The Vice-Mayor inquired if anyone had any questions with regard to the opening of the bids. There being none, he called upon the City Clerk for the opening and reading of the bids.

The City Clerk advised that one bid was received in the City Clerk's Office prior to the abovereferenced deadline; whereupon, the City Clerk opened and read the bid submitted by the Art Museum of Western Virginia for a one-time payment for rent as set forth in paragraph 2 of the Lease of Air Space, in the amount of \$60.00, for a term commencing on June 19, 2006, and ending on June 18, 2066.

Without objection by Council, the Vice-Mayor advised that the bid would be referred to the City Manager for study, report and recommendation to Council.

#### PUBLIC HEARINGS:

LEASES-ART MUSEUM OF WESTERN VA-AIR RIGHTS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to lease air rights above the right-of-way for Norfolk Avenue, Williamson Road, and Salem Avenue, S. E., identified as Official Tax Nos. 4010205 and 4010210, for a term of 60 years, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 2, 2006 and Friday June 9, 2006.

The City Manager submitted a communication advising that the Art Museum of Western Virginia has requested an air rights lease for space located above the rights-of-way for portions of Norfolk Avenue, Williamson Road, and Salem Avenue S. E., in connection with construction of the Art Museum Building (Official Tax Nos. 4010205 and 4010210); the air rights lease is for overhangs of the Art Museum Building which overhangs will extend upwardly from the structure for a minimum distance of 14' from the rights-of-way and will not exceed 100' and outwardly from the structure for a variable length not to exceed 23'; and a 60 year term of lease is requested.

It was further advised that the proposed lease agreement will begin on June 19, 2006 through June 18, 2066, at no charge to the Art Museum; the lease may be renewed upon expiration of the initial term of lease, upon mutual agreement with the term of any renewal to be determined at that time; the Lessee is responsible for maintaining the overhangs in a structurally safe condition; and if overhangs are ever in the condition of being unsafe or fail to meet building and safety codes, the Lessee agrees to properly repair or demolish and remove the structure in the lease for air space solely at its expense.

The City Manager orally recommended acceptance of the bid submitted by the Art Museum of Western Virginia for a one time payment of \$60.00, and upon other terms and conditions as set forth in the lease incorporated by reference in the bid which was publicly opened at the Council meeting on Monday, June 19, 2006.

Council Member Cutler offered the following ordinance:

(#37452-061906) AN ORDINANCE authorizing execution of a lease agreement between the City of Roanoke and The Art Museum of Western Virginia for the lease of certain air space located above the rights-of-way of Norfolk Avenue, S. E., Williamson Road, S. E., and Salem Avenue, S. E., (Tax Map Nos. 4010205 and 4010210), to provide sufficient area and space for the overhangs of the Art Museum building, for a term of sixty (60) years; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 70, Page 395.)

Council Member Cutler moved the adoption of Ordinance No. 37452-061906. The motion was seconded by Council Member Dowe.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request for the lease of air rights. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37452-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea, and Vice-Mayor Fitzpatrick -----6.

NAYS: None -----0.

(Mayor Harris was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, on the request of Four R-Enterprises, a Virginia general partnership, and Best-Jol Properties, LLC, a Virginia Limited Liability Company, that property located on Buford Avenue, S. W., identified as Official Tax Nos. 1421616, 1421617 and 1421604 through 1421608, inclusive, be rezoned from MX, Mixed Use District, to I-1, Light Industrial District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 2, 2006 and Friday June 9, 2006.

The City Planning Commission submitted a written report advising that as part of a comprehensive rezoning adopted by Council on December 5, 2005, the subject properties were rezoned from LM, Light Manufacturing District to MX Mixed Use District; and the petitioners request that the properties be rezoned from MX, Mixed Use District, to I-1, Light Industrial District, subject to certain conditions, in order to render current property uses as conforming uses and to allow certain other I-1 uses.

The Planning Commission recommended that Council approve the request, finding that the petition to rezone the subject properties from MX, Mixed Use District, to I-1, Light Industrial District, with conditions, is a reasonable request, inasmuch as it provides for practical use of the property as currently developed, with limitations on permitted uses and prohibition of outdoor storage, therefore promoting compatibility with the adjacent residential areas consistent with the intent of the *Norwich Neighborhood Plan*.

Council Member Cutler offered the following ordinance:

(#37453-061906) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 70, Page 397.)

Council Member Cutler moved the adoption of Ordinance No. 37453-061906. The motion was seconded by Council Member McDaniel.

Maryellen F. Goodlatte, Attorney, representing the petitioners, appeared before Council in support of the request of her clients.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request.

Mr. William E. Clements, 815 Warwick Street, S. W., advised that he would prefer that the area continue to be zoned residential, especially on Buford Avenue.

Mr. James R. Stanley, 902 Bridge Street S. W., spoke in opposition to rezoning the property to Light Industrial District. He advised that the City of Roanoke could offer incentive packages for industrial sites at other City locations, and expressed concern that the corner of Bridge Street and Buford Avenue does not provide a sufficient turning radius for large vehicles.



Ms. Goodlatte clarified that the request before Council will permit current uses on the property to continue in a conforming status; City Planning staff reviewed the request and submitted a favorable recommendation to the City Planning Commission; the neighborhood association has gone on record in support of the request, and the City Planning Commission unanimously recommended approval of the rezoning.

R. Brian Townsend, Agent to the City Planning Commission, advised that the request will recreate conforming uses, or make current uses conforming, while limiting the types of future uses for the buildings to 15 approved uses, and a proffered condition will provide that no portion of the properties may be used for outdoor storage. He explained that the Planning Commission was of the opinion that the request of the petitioners is a good compromise that reflects current uses, but will also impose enough limitations so as not to become incompatible with the residential area surrounding the properties.

Following further discussion and in view of the remarks of Mr. Stanley with regard to an inadequate turning radius for large vehicles at the corner of Bridge Street and Buford Avenue, Vice-Mayor Fitzpatrick suggested that the petitioners give further consideration to the issue of ingress and egress.

There being no other citizens wishing to be heard, the Vice-Mayor declared the public hearing closed.

There being no further questions or comments by Council Members, Ordinance No. 37453-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None -----0.

(Mayor Harris was absent.)

CITY CODE-ZONING: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, on a request of the City Planning Commission to amend and reordain Division 4, Use Matrix, Section 36.2-340, Zoning, of the City Code, to allow eating and drinking establishments, not abutting a residential district, as a permitted principal use in the INPUD, Institutional Planned Unit Development District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday June 2, 2006 and Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that on April 20, 2006, the Planning Commission initiated an amendment to Section 36.2-340, to add "eating and drinking establishments, not abutting a residential district" as a permitted principal use in the INPUD, Institutional Planned Unit Development District.

It was further advised that an eating establishment is currently a permitted principal use in the INPUD district; the addition of "eating and drinking establishments, not abutting a residential district" would permit such establishments to be located within an INPUD district if it does not abut any residential district; and if the INPUD district does abut a residential district, an eating and drinking establishment would not be a permitted principal use.

It was explained that the principal difference between an "eating establishment" and an "eating and drinking establishment" lies in their definitions; and the latter is a type of eating establishment which includes the sale of beer, wine, or other alcoholic beverages for consumption on the premises.

It was further explained that an eating and drinking establishment is an appropriate and compatible use in an INPUD district, provided the INPUD district does not abut a residential district; and in many instances, the INPUD district can be a zoning tool that can support significant economic development initiatives for concentrations of mixed uses, such as the Riverside Center for Research and Technology.

The Planning Commission recommended that Council approve the proposed amendment to §36.2-340 to add "eating and drinking establishments, not abutting a residential district" as a permitted principal use in the INPUD, Institutional Planned Unit Development District.

Council Member Dowe offered the following ordinance:

(#37454-061906) AN ORDINANCE amending and reordaining Table 340-1 of §36.2-340, Use Matrix, of Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, to permit as a principal permitted use eating and drinking establishments, not abutting a residential district, in the INPUD, Institutional Planned Unit Development District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, Page 398.)

Council Member Dowe moved the adoption of Ordinance No. 37454-061906. The motion was seconded by Council Member Cutler.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37454-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None -----0.

(Mayor Harris was absent.)

**ZONING:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, on the request of Roanoke Land Development, LLC, to amend the INPUD Development Plan entitled, "Riverside Corporate Center, Institutional Development Plan", prepared by HSMM for Carilion Medical Center, CHS, Inc., and B & B Holdings as the Plan applies to property identified as Official Tax No. 1032203, being a part of the Riverside Corporate Centre, located at the intersection of Franklin Road and Reserve Avenue, S. W., and as set forth in the INPUD Development Plan entitled, "Hotel/Commercial Site-Riverside Corporate Center, prepared by Katz McConnel + Associates", the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 2, 2006 and Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that on December 20, 2004, Council rezoned the properties of Riverside Corporate Center from HM, Heavy Manufacturing District, and C-1, Office District, to INPUD, Institutional Planned Unit Development District, with conditions (Ordinance No. 36926-122004); and the following conditions were listed on the INPUD Development Plan:

1. Compatibility of all structures with the character and appearance of the surrounding neighborhood will be ensured by compliance with the South Jefferson Redevelopment Design Guidelines;

2. Site lighting shall be in conformance with the South Jefferson Redevelopment Area Design Guidelines; the maximum lighting level as measured at the property line resulting from any proposed lighting fixtures shall not exceed 0.5 foot-candles;
3. All parking lot lights shall be white-light source “down lights” designated for 1-2 foot-candles; height and color of the poles will be in accordance with the South Jefferson Redevelopment Area Design Guidelines;
4. Parking lot islands will contain landscaping in accordance with the South Jefferson Redevelopment Area Guidelines;
5. Directional, informational, and building identification signs will have a unified design and size in accordance with the South Jefferson Redevelopment Area Guidelines;
6. Wall mounted signs shall be limited to a square foot of signage per linear feet of the building façade;

It was further advised that on March 20, 2006, Council amended the zoning ordinance and map to establish a Comprehensive Overlay District on the Riverside Corporate Center, including the subject property (Ordinance No. 37334-032006); the petitioner has requested amendment of the INPUD Development Plan for Riverside Center as such applies to Official Tax No. 1032203.

It was explained that the INPUD Development Plan, submitted as part of the Third Amended Petition, proposes six phases of development; phases one through four propose buildings fronting on Reserve Avenue, with a six-story hotel at the southeastern corner of the property; at the southwestern corner, a six-story hotel or office building is proposed; between these two buildings, two eating and drinking establishments, each with two stories, are proposed; and the Development Plan shows Phases five and six as a nine-story parking deck and an attached future eating and drinking establishment along the northern edge of the property.

The City Planning Commission found that the petition is consistent with the *South Jefferson Redevelopment Plan* and *Vision 2001-2020*, and recommended that Council approve the request as set forth in the Third Amended Petition to Amend the INPUD Development Plan, dated May 17, 2006.

Council Member Dowe offered the following ordinance:

(#37455-061906) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to amend an INPUD development plan entitled "Riverside Corporate Centre, Institutional Development Plan," to include a development plan for property located at the intersection of Franklin Road, S. W., and Reserve Avenue, S. W., Official Tax Map No. 1032203; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 399)

Council Member Dowe moved the adoption of Ordinance No. 37455-061906. The motion was seconded by Council Member Lea.

Rob Sorrentino, Owner, Roanoke Land Development, LLC, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. The being none, he declared the public hearing closed.

Council Member Wishneff requested an update on the agreement with Carilion Health System with regard to the Bio-Medical Park; whereupon, the City Manager advised that all of the property in Phase I, with the execution of one development, has been acquired by the Roanoke Redevelopment and Housing Authority; and while about 50,000 square feet is currently under construction, concrete has been poured for the second half of the building which will be a four story 100,000 square foot building on Jefferson Street. She added that technically, Carilion, as developer of the property, is not required to create another building until 54 months after the first building is created, or in approximately the year 2009. In terms of the time line, she advised that Carilion has met all terms of the agreement, it was anticipated that acquisition of property would be a slow process, and the Roanoke Redevelopment and Housing Authority is to be commended, specifically John Baker, Executive Director, inasmuch as all of the property was acquired through negotiation, as opposed to exercising the power of eminent domain. She added that the City of Roanoke is on schedule in terms of requirements to contribute to infrastructure costs, and street improvements will be made upon completion of the first project on Jefferson Street.

There being no further questions or comments by Council Members, Ordinance No. 37455-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None-----0.

(Mayor Harris was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, on the request of Springwood Associates, LLC, that proffered conditions applicable to the northern portion of property located on Frontage Road, S. W., identified as Official Tax No. 5480719, consisting largely of Southmont Drive, a 50-foot wide private right-of-way, approved by Ordinance No. 33688-010598, be repealed, and that such property be rezoned from CG, Commercial-General District, with proffers, to MXPUD, Mixed Use Planned Unit Development District, for the purpose of allowing the property to be used as access to adjoining property which is currently used for commercial purposes, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 2, 2006 and Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that on January 5, 1998, at the request of Springwood Associates, LLC, Council amended the proffered conditions on Official Tax No. 5480712, zoned RPUD, Residential Planned Unit Development District and C-2, General Commercial District, with conditions;

The Planning Commission recommended that Council approve the request, finding that the petition to rezone a .735 acre portion of property bearing Official Tax No. 5480719 from CG, Commercial-General District, to MXPUD, Mixed Use Planned Unit Development, furthers the purposes of the Southern Hills Neighborhood Plan and the City's Zoning Ordinance.

Council Member Dowe offered the following ordinance:

(#37456-061906) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended by repealing Ordinance No. 33688-010598, to the extent such ordinance placed certain conditions on a portion of Official Tax Map No. 5480719 located on Frontage Road, S. W., and rezoning such portion of the subject property from CG, Commercial-General District, with proffers, to MXPUD, Mixed Use Planned Unit Development District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 401.)

Council Member Dowe moved the adoption of Ordinance No. 37456-061906. The motion was seconded by Council Member McDaniel.

Edward A. Natt, Attorney, appeared before Council in support of the request of his client.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37456-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None -----0.

(Mayor Harris was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, on the request of Springwood Associates, LLC, that all conditions accepted by Council pursuant to adoption of Ordinance No. 33688-010598 on January 5, 1998, applicable to the southern portion of property located on Frontage Road, S. W., identified as Official Tax No. 5480719, and

consisting of approximately 1.55 acres, more or less, be repealed and replaced with conditions allowing any of 28 specific commercial uses, including retail establishments, offices, service establishments, motor vehicle related sales, rental, and service establishments, eating establishments, entertainment and recreation establishments, places for public assembly, educational facilities, day care centers, hotels and motels, outdoor advertising, and wireless telecommunications facilities, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday June 2, 2006 and, Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that on January 5, 1998, at the request of Springwood Associates, LLC, Council amended proffered conditions on Official Tax No. 5480712, which was zoned RPUD, Residential Planned Unit Development District and C-2, General Commercial District, with conditions.

The Planning Commission recommended that Council approve the request, finding that the petition to amend the proffered conditions on a 1.55 acre portion of property bearing Official Tax No. 5480719 furthers the purposes of the Comprehensive Plan, the Southern Hills Neighborhood Plan and the City's Zoning Ordinance.

Council Member Dowe offered the following ordinance:

(#37457-061906) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by repealing Ordinance No. 33688-010598, to the extent such ordinance placed certain conditions on Official Tax No. 5480719, such portion consisting of approximately 1.55 acres; more or less; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 403.)

Council Member Dowe moved the adoption of Ordinance No. 37457-061906. The motion was seconded by Council Member Lea.

Edward A. Natt, Attorney, appeared before Council in support of the request of his client.



The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37457-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None -----0.

(Mayor Harris was absent.)

ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN-YOUTH: The City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to amend *Vision 2001-2020*, the City's Comprehensive Plan, to include the "Nine-by-Nine" Youth Comprehensive Plan, the matter was before the body.

The primary goals of the Youth Comprehensive Plan are:

- (1) ensuring that young people know how important they are to the City;
- (2) helping young people take on useful roles in the community;
- (3) encouraging young people to participate in extracurricular activities for at least three hours per week;
- (4) offering enriching preschool and family programs and activities;
- (5) creating caring school climates;
- (6) ensuring that the City's young people increasingly make healthy choices to improve physical well-being and fitness;
- (7) increasing the access of young people to a wide range of employment opportunities;
- (8) creating friendly and youth-oriented places throughout the City to which young people may go; and
- (9) encouraging young people to use the public library system for reading pleasure.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 2, 2006 and Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that the Plan identifies 40 developmental assets which should be present in youth; current data indicates that the average student possesses 19.5 of these assets; and the Plan identifies three 3-year periods during which such assets would be increased by five points during the 3-year period toward the ultimate goal of 35 assets in the year 2015.

It was further advised that the Plan identifies nine focus areas:

1. [the] Community values youth
2. Youth as resources
3. Youth programs
4. Early childhood development
5. Caring school climates
6. Healthy young people
7. Employment
8. Places & spaces + transport
9. Reading for pleasure

The City Planning Commission recommended that Council adopt the Youth Comprehensive Plan as a component of *Vision 2001-2020*, Roanoke's Comprehensive Plan.

Council Member Dowe offered the following ordinance:

(#37458-061906) AN ORDINANCE approving the Youth Comprehensive Plan dated March 24, 2006, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Youth Comprehensive Plan dated March 24, 2006, such Plan providing for nine goals for City of Roanoke youth and strategies for reaching those goals; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 405.)

Council Member Dowe moved the adoption of Ordinance No. 37458-061906. The motion was seconded by Council Member Cutler.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing.

Marion Vaughn-Howard, Youth Services Superintendent, advised that the Youth Comprehensive Plan has been in the making for approximately 18 months. She stated that the Plan was compiled with input by Roanoke's citizens and young people and commended members of the Youth Advisory Committee for their hard work and dedication to the task.

There being no questions or comments by Council Members, Ordinance No. 37458-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None -----0.

(Mayor Harris was absent.)

CITY CODE-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission to repeal subsection (c) of §31-39, Fees for plat review, and amend and reordain subsection (c) of §31-28, Approval or disapproval of preliminary plat, subsection (i) of §31-29, Additional material as part of preliminary plan, and subsections (d), (j), and (k) of §31-68, Lots; building or setback lines, of Chapter 31, Subdivisions, of the Code of the City of Roanoke (1979), as amended, to update references in the City Code necessitated by the repeal of Chapter 36.1, Zoning, and the adoption of Chapter 36.2, Zoning, and to reflect changes in a department title, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 2, 2006 and Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that on December 5, 2005, the City Code was amended to repeal Chapter 36.1, Zoning, and to adopt Chapter 36.2, Zoning; the amendment necessitates amendments to Chapter 31, Subdivision so that cross references to the Zoning Ordinance will be correct; and on April 20, 2006, the Planning Commission initiated an amendment to Chapter 31, Subdivisions, to correct the cross references to the Zoning Ordinance.

It was further advised that the following sections of Chapter 31 require amendment:

- Sec 31-28. Approval or disapproval of preliminary plat.
- This amendment removes the reference to Subdivision E, Division 5, Article III, Chapter 36.1 and replaces such with a reference to Section 36.2-333.
- Sec. 31-29. Additional material as part of preliminary plan.
- This amendment removes the reference to Section 36.1-262 and replaces such with a reference to Section 36.2-333. This amendment also replaces the words "complied with" with the word "met."
- Sec. 31-68 Lots; building or setback lines.
- This amendment removes two references to Division 5, Article III, Chapter 36.1 and replaces such with a reference to Section 36.2-431.
- This amendment also removes a reference to Division 4, Article IV, of Chapter 36.1 and replaces such with a reference to Section 36.2-431.
- Sec. 31-39 Fees for plat review.
- This amendment strikes the entire subsection (c) because specific reference to fee amounts is not needed; and fee amounts are set out in the City of Roanoke Fee Compendium.

The City Planning Commission recommended that Council approve proposed amendments to Chapter 31, Subdivision.

Council Member Dowe offered the following ordinance:

(#37459-061906) AN ORDINANCE amending and reordaining subsection (c) (1) of §31-28, Approval or disapproval of preliminary plat, subsection (i) of §31-29, Additional material as part of preliminary plan, and subsections (d), (j) and (k) of §31-68, Lots; building or setback lines, and repealing subsection (c) of §31-39, Fees for plat review, of Chapter 31, Subdivisions; of the Code of the City of

Roanoke (1979), as amended, to update references in the City Code necessitated by the repeal of Chapter 36.1, Zoning, and the adoption of Chapter 36.2, Zoning, and by a change in a department's title; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 406.)

Council Member Dowe moved the adoption Ordinance No. 37459-061906. The motion was seconded by Council Member McDaniel.

R. Brian Townsend, Agent to the City Planning Commission, appeared before Council in support of the request.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37459-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: None -----0.

(Mayor Harris was absent.) (Council Member Wishneff was not present when the vote was recorded.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission to rezone properties identified as: (1) Official Tax No. 6410231, located at 2521 Portland Avenue, N. W., from R-7, Residential Single-Family District, to INPUD, Institutional Planned Unit Development District; (2) Official Tax No. 4400434, located on Ventnor Road, S. E., from R-12, Residential Single-Family District, with conditions, to RMF, Residential Multifamily District, with conditions; (3) Official Tax No. 3340306, located on 21<sup>st</sup> Street, N. E., from RM-1, Residential Mixed Density District, and IN, Institutional District, to IN, Institutional District; (4) Official Tax No. 1052701, located at 404 McClanahan Street, S. W.; Official Tax No. 1052702, located at 400 McClanahan Street, S. W.; and Official Tax No. 1052703, located on Stephenson Avenue, S. W., from RMF, Residential Multifamily District, to MX, Mixed Use District, in order to correct the previous zoning and to place each subject property in a zoning district which is consistent with its current use, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on, Friday, June 2, 2006 and Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that on December 5, 2005, Council approved a comprehensive rezoning involving all parcels of land located within the City of Roanoke; and since that time, staff has identified properties located in four sections of the City that should be considerations for zoning districts other than those that were applied at the time of the comprehensive rezoning.

The Planning Commission recommended that Council approve the requested rezonings which will reflect the existing uses and/or conditions associated with the parcels of land, their conformity to uses and/or conditions associated with the parcels and their conformity to zoning regulations which were adopted on December 5, 2005.

Council Member Dowe offered the following ordinance:

(#37460-061906) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, dated December 5, 2005, as amended, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 70, page 409.)

Council Member Dowe moved the adoption of Ordinance No. 37460-061906. The motion was seconded by Council Member Lea.

R. Brian Townsend, Agent to the City Planning Commission, appeared before Council in support of the request.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37460-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None -----0.

(Mayor Harris was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to amend proffered conditions on a tract of land lying at the intersection of Orange Avenue and Blue Hills Drive, N. E., identified as Official Tax No. 7160113, such new proffered conditions to expand the number of principal permitted uses from six to 19 commercial uses allowed in the CG, Commercial-General District, including retail establishments, offices, service establishments, eating establishments, hotels, motels, day care facilities, and health, fitness, entertainment and recreation establishments, no curb cuts will be allowed on Orange Avenue, N. E., and limit the number of freestanding signage to one per principal permitted use, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 2, 2006 and Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that on August 16, 2004, at the request of the City of Roanoke, Council rezoned the subject property (Official Tax No. 7160113) from LM, Light Manufacturing District, to C-2, General Commercial District, with conditions (Ordinance No. 36821-081604); and the following conditions were proffered;

1. Principal permitted uses on the property shall be limited to the following:
  - (a) Restaurants
  - (b) Hotels, motels, and inns;
  - (c) Business service establishments;
  - (d) Indoor recreational uses limited to a fitness center;
  - (e) General and professional office including financial institutions; and
  - (f) Day care centers with unlimited capacity subject to the requirements of Section 36.1-5610, et seq.
2. There shall be no curb cuts on Orange Avenue/Route 460;
3. Freestanding signage shall be limited to one (1) per principal permitted use developed on the property.

It was noted that the petitioner currently requests amendment of proffered conditions on the subject property to expand the number of principal permitted uses and to bring the use terminology into consistency with the recently adopted Zoning Ordinance; and a Petition to Amend Proffered Conditions was filed on April 4, 2006.

The Planning Commission advised that the petition to amend proffered conditions on the subject property furthers the purposes of the *Hollins/Wildwood Area Neighborhood Plan* and *Vision 2001-2020*, and recommended that Council approve the request.

Council Member Cutler offered the following ordinance:

(#37461-061906) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by amending the conditions presently binding upon certain property conditionally zoned CG, Commercial General District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 411.)

Council Member Cutler moved the adoption of Ordinance No. 37461-061906. The motion was seconded by Council Member Dowe.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37461-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None-----0.

(Mayor Harris was absent.)



EASEMENTS-WATER RESOURCES: Pursuant to action by the Council, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, on a proposal of the City of Roanoke to grant an easement of approximately 45.85 acres of land on City-owned property, identified as the Carvins Cove Natural Reserve, located in the Amsterdam Magisterial District in Botetourt County to the United States Department of the Interior for relocation of a portion of the Appalachian National Scenic Trail, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 9, 2006.

The City Attorney submitted a written report advising that in December 2005, the National Park Service requested that the City of Roanoke convey an easement across approximately 45.85 acres of the Carvins Cove Natural Reserve so that a portion of the Appalachian National Scenic Trail could be relocated; and the additional easement will permit the Appalachian Trail to be relocated to avoid an existing section of the Trail which is severely eroded and a hazard to the thousands of hikers who hike the area every year.

He presented copy of a map showing existing easements in the Carvins Cove Natural Reserve for the Appalachian Trail, the area of the new proposed easement, and an ordinance for consideration by Council. He noted that in consideration of the easement, local members of the Appalachian Trail Conservancy have volunteered to assist with efforts to map and develop a trail system within the City's Carvins Cove Natural Reserve.

Council Member Cutler offered the following ordinance:

(#37462-061906) AN ORDINANCE authorizing the execution of a deed of easement granting to the United States of America an easement of approximately 45.85 acres for the relocation of a portion of the Appalachian National Scenic Trail across City-Owned property known as Carvins Cove Natural Reserve, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 413.)

Council Member Cutler moved the adoption of Ordinance No. 37462-061906. The motion was seconded by Council Member McDaniel.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing.

Roger B. Holnback, President, Roanoke Appalachian Trail Club, and Executive Director, Western Virginia Land Trust, advised that both organizations adopted resolutions in support of the transfer of 48 acres of Carvins Cove for inclusion in the already 1100 acres presently under easement to the National Park Service for location of the Appalachian Trail. He commended the Members of Council for their stewardship of the Carvins Cove Natural Reserve, and advised that in conjunction with the Parks and Recreation Advisory Board, a new comprehensive plan for Carvins Cove will be prepared to ensure continued stewardship.

Mr. Bob Peckman, 8131 Webster Drive, expressed appreciation on behalf of all persons who enjoy walking in the mountains.

There being no further speakers, the Vice-Mayor declared the public hearing closed.

Council Member Cutler spoke in support of the above referenced measure which will authorize relocation of the Appalachian Trail to a safer and more scenic right-of way, and will encourage trail using tourists to visit the Roanoke Valley. He advised that Carvins Cove Natural Reserve is the third largest City owned or municipal owned park in the United States and is larger than most Congressionally designated wilderness areas in the Jefferson and George Washington National Forests and the only thing that sets Carvins Cove apart from a Federal wilderness is the use of mountain bikes.

There being no further questions or comments by Council Members, Ordinance No. 37462-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None -----0.

(Mayor Harris was absent.)

EASEMENTS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, on the proposal of the City of Roanoke to permit encroachment of a retaining wall into the public right-of-way of Southern Hills Drive, S. W., adjacent to property identified as Official Tax Nos. 5480704 and 5470109, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 9, 2006.

The City Manager submitted a communication advising that Mattern & Craig, Inc., on behalf of the property owner, Faison Southern Lane LLC, has requested permission to construct a retaining wall on the westerly side of the above referenced property, which would encroach into the public right-of-way of Southern Hills Drive.

It was further advised that the encroachment will be a modular concrete retaining wall; the encroachment length is 275 feet by 18 inches wide as measured at the top of the wall; the wall will be constructed within the existing right-of-way of Southern Hills Drive and will encroach approximately 38 feet into the right-of-way; additional right-of-way will be dedicated to the City and Southern Hills Drive will be realigned and repaved at the expense of Faison Southern Lane LLC in conjunction with construction of the retaining wall; future maintenance of the retaining wall shall be the responsibility of Faison Southern Lane LLC; and wall height varies from one foot at the northerly end to a height of 20 feet at the southerly end.

It was noted that the right-of-way of Southern Hills Drive at this location currently varies between approximately 55 and 70 feet in width; liability insurance and indemnification of the City by the property owner will be provided by the property owner, subject to approval by the City's Risk Manager; and the property owner will also provide a bond in the amount of \$100,000.00 to cover the cost of removal or repair, should the structure become unsafe.

The City Manager recommended that Council adopt an ordinance to be executed by the property owner and recorded in the Clerk's Office of the Circuit Court for the City of Roanoke granting a revocable permit to the property owner, Faison Southern Lane LLC, to allow construction of a retaining wall that will encroach into the right-of-way of Southern Hills Drive, S. W.

Council Member Dowe offered the following ordinance:

(#37463-061906) AN ORDINANCE allowing the encroachment of a retaining wall 38 feet into the public right-of-way from property located at Southern Hills Drive, S. W., designated as Tax Map Nos. 5480704 and 5470109; upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 414.)

Council Member Dowe moved the adoption Ordinance No. 37463-061906. The motion was seconded by Council Member Lea.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37463-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----6.

NAYS: None-----0.

(Mayor Harris was absent.)

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 19, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Total Action Against Poverty in Roanoke Valley and the Roanoke Redevelopment and Housing Authority to permanently vacate, discontinue and close First Street from Wells Avenue to a point past the intersection with the south side of Loudon Avenue, N. W., such area containing approximately 14,195 square feet, and Loudon Avenue from Gainsboro Road to its intersection with the west side of First Street, N. W., such area containing approximately 12,215 square feet, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 2, 2006 and Friday, June 9, 2006.

The City Planning Commission submitted a written report advising that the petitioners own all of the adjoining properties with two exceptions: Official Tax No. 2013001, which is owned by the City of Roanoke, and Official Tax No. 2013012, which is owned by the Henry Street Roanoke Partners, LP; the petitioners intend to vacate the right-of-way to allow for development of a General Services Administration (GSA) building, which comprises three Federal agencies, the Social Security Administration, Office of Hearings and Appeals, and the Department of Disability Services in Virginia; and the subject portions of rights-of-way are needed to comply with the Federal requirement that the building be at least 50 feet from a public right-of-way.

The Planning Commission did not recommend approval of the request, finding that vacation of the subject portions of Loudon Avenue and First Street, N. W., is not consistent with design guidelines of Vision 2001-2020 and the *Gainsboro Neighborhood Plan*; however, should Council favorably consider the vacation of rights-of-way, the portions of rights-of-way vacated should be subject to payment by the applicants of \$198,075.00 and the following conditions:

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke; said plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress;
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of Council's ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees; and the applicant shall pay such fees and charges as are required by the Clerk to effect such recordation;
- C. Upon recording a certified copy of Council's ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred;

- D. If the above conditions have not been met within a period of one year from the date of adoption of the Council's ordinance, said ordinance shall be null and void with no further action by Council being necessary;

Council Member Dowe offered the following ordinance:

(#37464-061906) AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of way in the City of Roanoke, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 416.)

Council Member Dowe moved the adoption of Ordinance No. 37464-061906. The motion was seconded by Council Member McDaniel.

Edward A. Natt, Attorney, representing the petitioners, appeared before Council in support of the request of his clients.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing:

Mr. Natt presented a site plan, including a proposed footprint for actual construction of the Social Security Administration Office building. He advised that the street closure is necessary as a part of the process to development a new building for the Social Security Administration.

Mr. Natt advised that:

- The new building will house three Federal agencies, the Social Security Administration, the Office of Hearings and Appeals, and the Department of Disability Services in Virginia.
- Approximately 300 employees will be housed in the building.
- It is necessary to close the streets because approximately ten years after the Oklahoma City Federal Building was bombed, the Federal government enacted regulations regarding vehicular traffic in and around Federal buildings which included a provision that no vehicles could be driven within a distance closer than 50 to 100 feet of any Federal building, therefore, site constraints require the closing of the two streets in question to allow for the 50 foot setback.

- Two sides of the building meet the requirement without street closure; however, street closure is necessary on the other two sides.
- An appeals process currently is in effect with regard to the 50 foot requirement, but the project has progressed through the former set of General Services Administration regulations and is so far down the line that the award was granted based upon the 50 foot requirement.
- An e-mail from Bernard Minokowski, representing the General Services Administration, indicates that there will be no relief from the 50 foot requirement and if the setback cannot be met at the site presently under consideration, the GSA will consider other properties.
- Vision 2001-2020 suggests that an interconnective street should be encouraged, but there have been deviations in several instances i.e.: Second Street Bridge, Gainsboro Road, and Wells Avenue. In this particular case, it is believed that the request before Council is an appropriate deviation from guidelines and the streets in question should be closed.
- The proposal is also consistent with the Gainsboro Neighborhood Plan inasmuch, as it will allow for an office use that is consistent with uses described and suggested in the Gainsboro Neighborhood Plan.
- The proposed office use fits well within the village center concept, and will place a large number of people in the building on a regular basis. 300 employees plus those residents of the City of Roanoke, the Roanoke Valley and elsewhere who visit the Social Security Administration Building for various reasons, all of whom will support retail use in the area.
- The proposed use will serve residents of the Roanoke community and the Roanoke Valley as a whole.
- The proposed use is also consistent with the Henry Street Village Center inasmuch as the office building will provide the village center that is called for in the plan.

- A major issue is the use of First Street as a pedestrian walkway; therefore, a provision is incorporated in the revised ordinance to provide that the closed portion of First Street will be permanently dedicated for pedestrian traffic in a public walkway/parkway area.
- The proposal meets height requirements of not more than four stories, with the proposed building to be three stories high; all architectural plans for the building will be reviewed and approved by the GSA on a Federal level, by the State's historical preservation group on a State level, and by the Roanoke Redevelopment and Housing Authority as owner of the property on a local level.
- City Planning staff recommended approval of the street closures; however, the City Planning Commission voted not to recommend the street closures to Council, therefore, it is important to look at some of the reasons for the negative recommendation by several Members of the Planning Commission. Two Planning Commissioners stated that they do not favor street closures; one Planning Commissioner stated that the proposal is inconsistent with various community plans, however, Mr. Natt advised that information previously submitted indicates that the proposal is consistent with the Gainsboro Neighborhood Plan; one Commissioner stated that because plans in the past have not worked, it does not mean that they will not work in the future; one Commissioner stated that the proposal does not further the neighborhood plan; one Commissioner stated that the plan is similar to the evils of urban renewal; and the Chairman of the City Planning Commission supported the request because the project will bring people to the Henry Street area which will support other facets of the various plans for the neighborhood.
- Now is the time to move forward with a good project that assists the Gainsboro neighborhood and complies with the Gainsboro Neighborhood Plan.
- Numerous persons and organizations strongly support the request which can be substantiated through correspondence from various individuals and organizations.



- The proposal is one of the most significant requests for downtown Roanoke in the last 15-20 years which will permit the construction of a new building for the General Services Administration of approximately 70,000 square feet and house over 300 employees.
- The City of Roanoke needs this type of development to keep people in downtown Roanoke, and to bring others to the downtown area in order to revitalize downtown Roanoke and historic Gainsboro.
- A GSA official has stated that if the request to close the streets is not voted on affirmatively by the Council by June 30, officials will look elsewhere for a potential site.

There was discussion with regard to the placement of bollards at both ends of First Street; whereupon, the City Manager advised that the streets that are proposed for closure will belong to the developer, the developer will construct the building and lease the building to the GSA; the ordinance presently before the Council grants a public access easement over First Street which provides the assurance that the street is a public space and pedestrians may traverse the area; and bollards will prevent vehicular access.

There was discussion with regard to parking; whereupon, the City Manager advised that paid parking will be available for employees of the GSA at the same rate as others who currently park on the surface lot, or at the Gainsboro Parking Garage. She stated that if it is found that employees of the GSA, in large numbers, continue to park on a regular basis in the Gainsboro Parking Garage and on the surface lot, it is likely that at some point in the near future the City will consider the addition of one or two additional floors to the Gainsboro Parking Garage, although such is not a requirement of the project and is something that the City would want to assess as the project moves forward and if there is a level of confidence that the Social Security Administration office staff will regularly rent approximately 200 parking spaces. She explained that the Gainsboro Parking Garage was designed with the understanding that at some point in the future two additional floors would be added, therefore, the major structure is capable of handling two additional floors if and when necessary.

R. Brian Townsend, Agent to the City Planning Commission, advised that:

- In March 2003, when Council adopted the Gainsboro Neighborhood Plan, reference was made that Council was also adopting the RNDC sketchbook for the "Yard at Henry Street" dated July 13, 1998, as adopted by the Roanoke Redevelopment and Housing Authority.

- City Planning staff submits that while the Social Security Administration office building is not an exact implementation of the concept that was included in the 1998 Yard at Henry Street Plan that was adopted as a part of the Gainsboro Neighborhood Plan, it is substantially consistent with the intent of the treatment of Henry Street and Loudon Avenue, and the placement of a two to four story office building on the subject property.

Reference was made to a Section 106 review and a communication under date of January 6, 2006, from the State Historic Preservation Officer who called attention to a potential impact regarding a preliminary determination that there may be archeological remnants on the property relative to a previous use.

The Vice-Mayor advised that 18 persons had registered to speak on the matter; therefore, each person would be allocated three minutes to present their remarks.

Dr. Gerald Roller, 1135 Clearfield Road, S. W., spoke in opposition to the closure of streets for the Social Security Administration Office building. He stated that a Social Security building does not belong in the Gainsboro Historic area which has been listed as the National Register for Historic Places and on the Virginia Landmark Register. He added that the first African-American hospital, Burrell Hospital, was located on the grounds, the Burrell Pharmacy and the Claytor Pharmacy were also located in the area, Alexander Terrell formed the Hunton Life Saving Crew, Dr. Terry Penn, a dentist, was the first African-American to be appointed to a school board in the south, Dr. Wendell Butler, a dentist, was also the first black person to serve as Chairman of the Roanoke City School Board, and Dr. Butler and the late Mayor Noel C. Taylor were the first African-Americans to serve in positions of authority in City government for the first time in Virginia's history. He stated that the General Services Administration could find another location for the Social Security Administration office building other than in the historic Gainsboro area which was the center of African-American social life in the early years of Roanoke's history.

Ms. Alice B. Roberts, 411 Gilmer Avenue, N. W., encouraged Council to uphold the recommendation of the City Planning Commission and deny the request to close the streets. She advised that the State and the nation recognized the significance of Henry Street by listing the area as a historic district on the Virginia Landmarks Register and the National Register of Historic Places, therefore, the City of Roanoke should recognize and honor Henry Street's place in local history and retain the remaining integrity of the area. She stated that with the celebration of Roanoke's 125<sup>th</sup> anniversary, the black community looks back with regret at the number of historic resources that have been lost over the years, including the Magnolia House, an 1837 tavern in the original Gainsboro settlement at the intersection of Williamson Road and Orange Avenue that was demolished in 1974 and could have served as an excellent welcome center at this historic

gateway to Roanoke. She asked that the City of Roanoke be extremely cautious not to overlook such resources in search of quick and lucrative solutions to land use and stated that City officials can never take too much time to make the right decision when the stakes such as loosing historic resources are irreversible. She added that the regional Social Security office building may be needed, but the concern centers around the proposed location on Henry Street. She stated that she was not opposed to RNDC's original plan that contained no vehicular restrictions, and requested that the original plan be followed. She expressed concern with regard to the rationale for placing the Social Security Administration office building in downtown, when the City's Department of Social Services was relocated from downtown Roanoke to Williamson Road. She inquired as to how the RNDC plan and the proposed Social Security Administration office building plan fits in with the officially adopted Gainsboro Redevelopment Plan which sets forth specific development and land use patterns for the Gainsboro neighborhood and was approved by the Roanoke Redevelopment and Housing Authority and City Council, and has the redevelopment plan been officially amended to incorporate the proposed development of the Social Security Administration office building, including the closing of streets.

The Reverend Carl T. Tinsley, 2647 Springhill Drive, N. W., read a letter from Daniel E. Hale, President, Roanoke Branch, NAACP, advising that the NAACP is extremely concerned about development of Henry Street and its implications, not just for the black population of Roanoke, but for the success of integrating all facets of the City. The letter stated that Henry Street development should be about what is best for the City of Roanoke, and not about what is best for a select group or organization.

Reverend Tinsley advised that in 1982, he served as Vice-President of the Gainsboro Neighborhood Development Corporation, the City of Roanoke provided the organization with \$105,000.00 to engage the services of a consultant to prepare a study of the Henry Street area, and a consulting firm from Atlanta, Georgia, was engaged to prepare the study which was never implemented by the City. He stated that it is inexcusable that issues affecting the Henry Street area continue to be debated in the year 2006, and advised that he could not support the closing of streets in the Gainsboro area for the proposed Social Security Administration office building.

Ms. Mary C. Bishop, 2311 Kipling Street, S. W., advised that it is time for the City to honor the history of Henry Street; however, the Social Security Administration office building is not the way to do so. She stated that the neighborhood plan for Gainsboro calls for commercial uses on the first floor of Henry Street buildings and for a central square to serve as a community gathering place, and despite what has been described in the presentation by Mr. Natt, it is obvious that retail space will be severely reduced by the Social Security Administration office building. She advised that the Henry Street Festival is one of the best attended events in Roanoke; people come from far and wide to Elmwood

Park, and it is her dream that someday the Henry Street Festival will return to Henry Street, however, it is questionable if the Social Security Administration office building is constructed on the proposed site. She added that there is nothing in the vicinity of Henry Street that invites relaxed meandering along the historic street.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the closing of streets in the Gainsboro area to permit construction of the Social Security Administration office building raises serious questions about how development in the City of Roanoke is planned and carried out; and it would have been helpful had the City Manager and the President of the Roanoke Neighborhood Development Corporation held public City-wide meetings to explain the proposal, which could have involved Gainsboro residents in the decision making process. She stated that many citizens, including non Gainsboro residents, believe that a building of this magnitude, requiring the closing of streets, will not enhance the small historic Henry Street district; and there should be accountability and responsibility from each party involved in the proposal. She advised that acknowledging the City of Roanoke's past practices of urban renewal, it is at the height of arrogance to propose closing streets on the only remaining block of historic Henry Street which is currently under transformation as a historic area where people from throughout the Roanoke Valley and the nation can celebrate diversity. She stated that the Social Security Administration office building does not belong on historic Henry Street and asked that Council deny the request to close the above referenced streets.

Mr. Joshua Humphries, 806 Stewart Avenue, S. E., Apt. 3, expressed concern not about the actual closing of streets in the Henry Street area and elsewhere, but about the process. He stated that there appears to be many unanswered questions and encouraged that there be more dialogue and more time for people to sort out their differences.

Ms. Andrea Krochalis, 9428 Patterson Drive, Bent Mountain, Virginia, Chair of the Smart Growth and Transportation Committee of the local Sierra Club, spoke in support of the request of the community that streets around the proposed building site for the Social Security Administration office building not be closed. She stated that homeland security demands on the building will limit public access which will dramatically alter the historic character of neighborhood revitalization efforts; and this gateway area of the neighborhood will take on a commercial and institutional style. She advised that like many inner City neighborhoods in America, the Gainsboro community continues to deal with the consequences of urban renewal programs of the 1960's and 1970's that displaced many families and businesses; and the general sentiment in America today and in Gainsboro is that urban renewal was something done to the community instead of with the community. She stated that one of the main purposes of a neighborhood development plan is to ensure that the community is involved in determining its own future, and that the goals and interest of the community are reflected in

future development, ultimately leading to a better and more vibrant Gainsboro. She added that smart growth directs investment in existing City neighborhoods, thereby enhancing a vital urban core; downtown areas are the calling cards of cities, thus they require shared space, space that offers cultural statements; and the Gainsboro neighborhood provides an opportunity to enhance the cultural and historic setting, which cannot happen if the area is rendered inaccessible. She suggested that the City explore the waivers available through Homeland Security and reduce the negative impact on historic revitalization in the Gainsboro area which is in keeping with the neighborhood plan. She stated that Council has the opportunity to demonstrate that the City of Roanoke has learned from the errors of the past, and requested that Council demonstrate leadership by following the intent of the Neighborhood Plan and by not repeating errors that led the community to feel that urban renewal was something that was done to the community instead of with the community. She requested that Council endorse the recommendation of the City Planning Commission to deny the request for closure of the streets.

Ms. Brenda Allen, 12 Gilmer Avenue, N. E., spoke in opposition to the proposal to construct the Social Security Administration office building on Henry Street because the office building will not fit in with the cultural district that is proposed for Henry Street. She stated that by preserving the community and by providing a cultural district, people will know the true meaning of the historic Gainsboro area which includes a historic library and a park (Washington Park) where Booker T. Washington once spoke. She added that the area could be showcased with various types of entertainment, art, history, and exhibits.

Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., spoke in support of the recommendation of the City Planning Commission to deny the request for street closures. She stated that neighborhoods form the fabric of a city; and the Gainsboro Neighborhood Plan did not include the Social Security Administration office building, which will not fit in with the historic character of the Gainsboro area. She asked that Council consider the input of citizens who reside in the area and work with the three neighborhood organizations and the RNDC toward a solution that will serve the needs of all parties that have an interest in the closing of the streets.

Mr. William T. Bratton, 1537 Lafayette Boulevard, N. W., advised that construction of the Social Security Administration office building will not enhance the historic aspects of the Gainsboro community. He stated that there are other locations in the Roanoke area where the Social Security office building could be constructed that would be more appropriate and asked that Council consider the wishes of the people who live in the Gainsboro neighborhood and not the monetary value that the City stands to gain as a result of constructing the Social Security Administration office building in the Gainsboro neighborhood.

Mr. James R. Lindsey, Jr., 3717 Winding Way Road, S. W., advised that he, along with a large delegation of persons, addressed the Council approximately 25 years ago in opposition to the taking of property through eminent domain for the new Roanoke Coca Cola Bottling Plant. He expressed concern with regard to statements made earlier in the meeting that Council must make a decision this evening, or the GSA will begin to look at other locations for the Social Security Administration office building. He pointed out that if the process has not been sufficient to the extent that the community at large is comfortable with the project, and if Council is not 100 per cent of the mind that it is the right thing to do, then Council should look back at the decisions that were made in connection with the Coca Cola plant, and take more time to study the proposal to ensure that the right decision is made.

Mr. Eldon Karr, 8011 Poor Mountain Road, Roanoke County, spoke as a member of the Board of Directors of the Medical History Foundation. He requested that Council consider the following points in opposition to the closing of Henry Street for the specific purpose of constructing a facility to be leased long term to the United States Government Services Administration to house the regional Social Security Administration offices, i.e.: the organization slated to receive direct proceeds from the lease of the proposed building is the Roanoke Neighborhood Development Corporation, RNDC, which is a community development corporation originally organized by the City of Roanoke to be eligible to receive Federal Community Development Block Grant funds; from its inception RNDC has been publicly promoted by Roanoke City government as being representative of Roanoke's black community; documentation can be provided to show that on numerous occasions at public meetings, RNDC has claimed that any and all proceeds to RNDC through the development of Henry Street property would be reinvested into Roanoke's African-American community; under Federal law, such a commitment cannot be documented in the charter of a Federally funded *community development corporation, therefore, this information which has been given to the public over many years has been untrue.* Secondly, he stated that the City of Roanoke has funded payment of a court judgment in favor of the Walter Claytor family against the Roanoke Redevelopment and Housing Authority with monies long slated for Henry Street infrastructure improvements; the funds were reappropriated by recommendation of the City Manager under the assumption that Council would approve the Social Security Administration office building project, in lieu of pursuing the desires of a majority of the citizenry attending numerous public planning sessions and documented in the City's Comprehensive Plan. He spoke against constructing the Social Security Administration office building in the Gainsboro area.

Benjamin Fink, Chair, Roanoke Redevelopment and Housing Authority, advised that the Housing Authority has worked with the City and RNDC since 1996 to identify a viable project for the property in question. He stated that in 1999, the RRHA adopted a resolution stating that the property would be donated to RNDC when RNDC proposed a viable office project; and the Social Security Administration office building is considered to be a viable office project, therefore, the Housing Authority recommended closure of the streets to enable the project to proceed.

Mr. Carl D. Cooper, 841 Pinewood Drive, N. W., spoke in support of constructing the Social Security building on the proposed site. He stated that the Social Security office building in downtown Roanoke contributes to the economic vitality of the City, and keeping the Social Security building in Gainsboro will assist in anchoring future development in the Gainsboro area and the Henry Street district, while promoting the village center concept as set forth in the City's Comprehensive Plan. He added that RNDC should continue to be supported and assisted by the City in order to achieve the purpose of spearheading collective collaborative minority economic development. He advised that while there are legitimate historical and preservation considerations to be addressed, some of the current opposition to the project ultimately centers around demolition of perceived historical buildings and opposes the building of new structures in historical areas. He stated that the City and RNDC should continue to move ahead with the project, conditional upon satisfactory safeguards to ensure that RNDC focuses on its stated goals. He urged Council not to succumb to the desires of some persons to remain mired in the past, but instead to move boldly into the future toward Roanoke as an All America City through world class neighborhoods.

Mr. Mark D. Clark, 6734 Shingle Ridge Road, Roanoke County, a historic preservation contractor, advised that historic development in areas around First Street and Loudon Avenue, or Henry Street, are primarily small scale commercial establishments, churches, homes, etc; to hold back on parking per current Federal regulations will substantially change the scale, accessibility and use of the area; changes to the scale of the neighborhood is addressed in the City's Comprehensive Plan, Vision 2001-2020; and neither alterations to the existing streets or construction of the Federal building are in keeping with existing City policy, Department of Historic Resources guidelines, or the United States Department of Interior historic guidelines. He explained that in 2004, when the Henry Street historic district was placed on the Virginia Historic Landmarks Register, the Department of Historic Resources took into consideration how the neighborhood looked then as opposed to 50 years ago, by looking at such issues

as transportation routes, commercial routes, streets, etc, and the present appearance of Henry Street and Loudon Avenue were part of the point system used by DHR to determine the historic designation of the area; therefore, for the developer to reap the benefits of historic tax credits only to change them at some future date goes against the spirit of the Virginia Department of Historic Resources. He advised that the question before Council should not be how best to change and modify the City's established and agreed upon neighborhood planning policies in order to acquiesce to one entity, but how the entity can change or modify its request to conform to the City's current provisions.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that during the discussion it was stated that the Social Security office building should be located in downtown Roanoke, however, there are other areas in downtown, such as the area north of Orange Avenue that was considered for a stadium or amphitheater that is still vacant and available for development, therefore, to say that the building must be located on Henry Street in order to be in downtown is inaccurate. She stated that the public has been told that RNDC will be a partner with the developer and receive part of the profits, but the public has not been advised of what RNDC is contributing to the development that will entitle the organization to a portion of the profits. She stated that RNDC has not made its plans known and has held few, if any, community meetings to inform the Gainsboro community of its actions, therefore, how can the community be expected to support a project with very little information having been provided. She advised that in order to prepare for the future, one must know the past, and unfortunately the past in the City of Roanoke in so far as the black community is concerned, has been based upon promises that never came to fruition. She requested that Council support the recommendation of the City Planning Commission and deny the petition for closure of streets because there are other locations within downtown Roanoke where a Social Security Administration office building could be constructed.

Charles A. Price, Jr., representing the Roanoke Neighborhood Development Corporation, an organization that was established more than eight years ago to maintain minority business presence in the Henry Street area, spoke in support of the closing of streets in the Gainsboro area for construction of the Social Security Administration office building. He stated that RNDC partnered with Harwood and Associates to construct an office facility at the corner of Wells Avenue and First Street; for the past seven years, RNDC has struggled to put together a viable project; the initial plan was for RNDC to produce a project on its own, but there were too many obstacles to overcome, the main one being capital; through the course of RNDC's history, numerous scenarios have been examined to no avail; and several developers were interested in working with RNDC, but their proposals were not in alignment with RNDC goals, which included ownership and the ability to reinvest into the community. He stated that RNDC responded to a request for proposals from the General Services Administration for the Social Security Administration office building and met with success at the first stage, but was eliminated in the second stage because the GSA was not convinced that RNDC's



local consultants were experienced enough to carry the project through. He further stated that sometime later, Harwood and Associates was selected by the GSA to develop the Social Security project, and Harwood and Associates contacted RNDC after their proposal was rejected by the Board of Zoning Appeals. He explained that RNDC's relationship with Harwood and Associates is a partnership that serves to benefit not only the Gainsboro community, but the City of Roanoke at large, it provides an opportunity to recapture portions of RNDC's vision and goals; and RNDC's master plan originally allowed for pedestrian friendly development sites, therefore, the request to close the streets is not out of line. On behalf of RNDC, he requested that Council approve the street closures.

Mr. Barry B. Butler, 6419 Sugar Ridge Drive, spoke in opposition to the construction of the Social Security building on Henry Street and the closure of the streets. He stated that the City of Roanoke is similar to other cities such as Newark, Camden, North Tulsa, and Oklahoma City where there is a strong African-American presence in areas that have been neglected and underserved. He referred to the Gainsboro Neighborhood Plan which was previously adopted by Council in 2003 and inquired if the hard work and input that went into the Neighborhood Plan is to be over looked, not to mention the many years of history that exists in the Gainsboro area that should not be ignored. He advised that it has been said that constructing the Social Security Administration office building on the site in question will create jobs, when, in fact, it will only shift existing jobs from one location to another; the footprint for the building is too large for the available land; and the people who visit the Social Security Administration building will be one time visitors who have no interest in spending money to improve the City's economic base. He asked that Council deny closure of the streets because it will be a detriment to the history, culture and educational aspects of the Gainsboro community.

Mr. Natt presented the following summary remarks:

- It is difficult to speak against the wishes of those who feel as strongly about their position as the persons who addressed Council this evening; however, in this particular case, one must look at the history of the project; City staff indicated a strong desire to keep the GSA Social Security facility in downtown Roanoke; and when the first attempt to locate the building at the Airport site was denied by the Board of Zoning Appeals, GSA representatives met with RNDC, and formed a partnership, or a co-ownership venture, to develop the site in question in order to keep the project in downtown Roanoke.

- A number of speakers made the point that more time is needed to study the project; however, it is not possible to devote more time to a study of the site in question because the City has been advised that if the street closures are not approved by June 30, 2006, GSA officials they will look elsewhere for a location, which could be in the City of Roanoke or elsewhere.
- GSA representatives have looked at every site in the central business district, they have reviewed potential street closures, the site in question is the only site that is workable, and a partnership exists with RNDC that involved the community.
- The proposed plan is basically the same plan as the "Yard at Henry Street."
- The Chairman of the Roanoke Redevelopment and Housing Authority (RRHA) previously stated that the RRHA has looked for viable projects for the site in question since 1996.
- Approximately 300 employees of the Social Security Administration work in downtown Roanoke in the former Stone Printing Company building, and if the request to close the streets is not approved, those 300 employees will leave the downtown area and the City of Roanoke will lose the tax revenue generated by those employees.
- Efforts over the past ten years to develop the site have not been successful, the City has been presented with a proposal that is workable and will provide an opportunity to put money back into the local community.

Council Member Wishneff advised that regardless of the outcome of the Council's vote this evening, the City of Roanoke is not anti development. He stated that the point has been made repeatedly that there is a conflict between Federal regulations since the Oklahoma bombing and good downtown design, and the City of Roanoke is not alone since this kind of discussion is taking place in many localities throughout the country because there is a desire to keep Federal government buildings in the downtown areas. He expressed appreciation to RNDC and specifically to Charles Price for the work that the organization has done to reach this point. He stated that he intended to vote against closing the two streets because it does not represent good downtown design. He encouraged the City

Manager and RNDC, regardless of the vote, to continue working with the neighborhood and the GSA with regard to revisiting whether some development along the front of Henry Street could be accomplished that would be open to the public and would be more in keeping with the character of Henry Street.

Council Member McDaniel advised that she would vote in support of closure of the streets.

Council Member Lea advised that good points were made on both sides of the issue, however, when weighing all of the factors, he is inclined to support the street closures. He stated that RNDC, which has worked for a number of years to secure a project for the area, needs to be given an opportunity to move forward, and it is also best for the City of Roanoke to move forward on the issue.

Council Member Dowe advised that it has been stated that Gainsboro is a neighborhood, yet on the exact opposite side of Gainsboro Road is the Norfolk Southern Building, which is now the Roanoke Higher Education Center and could be commercial in nature, along with the culinary school, arts, culture, etc.; therefore, the fundamental question becomes: is Gainsboro a neighborhood, or is it a vibrant commercial district when taking into consideration the abovereferenced commercial entities. He stated that the second fundamental question is: should the streets be left open to nothing, or should the streets be closed, for some type of construction and work the streets around what is constructed. He added that he is respectful and appreciative of not only the history of Gainsboro, but the number of people from mainstream Roanoke who have talked about their respect for Gainsboro's history. He stated that he does not believe that the Social Security building will be the sole catalyst for economic development for the area, just as much as he does not believe that this one building will be the one thing to save all the ails and errors that have been made at the expense of a people in the past. He advised that Mr. Natt alluded to the fact that there have been good ideas in the past, but it was not until there was an actual plan that was being formalized that other people started to mobilize, and if Roanoke is not careful, it can be crippled as a community with good solid ideas, where citizens find themselves second guessing everything that has been done in the past and everything that will be done in the future. To that point, he stated that there will not be such a thing as a win/win/win for everyone, but opportunities to do things that are expedient and best for not only Roanoke's current citizenry but for the future. He advised that his vote will be in favor of closing the streets.

Council Member Cutler advised that neighborhoods cannot be frozen in time. Speaking as an ecologist, he stated that natural communities and the human community is constantly changing and the past cannot be frozen or recreated. He added that the First Street Bridge was closed to vehicular traffic and renamed the Martin Luther King, Jr. Memorial bridge; and closing another nearby short stretch of First Street to vehicles further contributes to a vehicle free environment where pedestrians can stroll at will, retail can be provided near the parking garage, with benches, tables, and street vendors; and strolling actors and musicians from the Dumas Center, Opera Roanoke, the Dumas Drama Guild, and the Downtown Music Lab can provide entertainment. He stated that the pedestrian bridge and plaza can be a point of departure for walking tours of Gilmer Avenue and other important black history sites. He advised that the proposed plan will enhance pedestrian opportunities that will be enjoyed by tourists, therefore, he will vote in favor of the street closures.

Vice-Mayor Fitzpatrick advised that whatever is constructed in the Henry Street area, whether it is a medical museum, the Ebony Club, the culinary institute, or the Dumas Hotel must attract visitors in order to succeed; and currently under discussion is not the people who come to the Social Security building for assistance on a one time basis, but the people who will be exposed to the Henry Street area because of all of the things that are happening, they will see a place that for the first time in recent history is secure, well lit, and creates a public environment that allows visitors to have the opportunity to experience Roanoke and its rich black history. He ventured a guess that Dr. Martin Luther King, Jr. would much rather see citizens of all races in the plaza having a good time because the City elected to move the Henry Street Festival back to where it rightly belongs, instead of watching cars drive up and down a one half block radius. He stated that appreciation is extended to anyone and everyone who has been part of the debate since the 1980's to date, because it shows that they care about Roanoke, they are interested in seeing that the community succeeds, and they want to do what is right for Roanoke. He advised that the goal of Council as leaders of the City of Roanoke is to do what each Council Member believes is right in trying to bring back a part of Roanoke that has been dead for many years. He expressed the hope that the Social Security building, the people who will occupy the building and the people who will visit the building will be the kind of people who will come back to the area because they sense that it is a good place to visit and there will be a new level of leadership that rises up from the black community to work with the white community to create additional opportunities for black entrepreneurial business and opportunities to work together in a new Henry Street that is a part of downtown, and complements such facilities as the Roanoke Higher Education Center and The Hotel Roanoke & Conference Center.

The City Attorney clarified that the ordinance before Council provides that the City will reserve a permanent pedestrian easement on the vacated portion of First Street, and the applicant has proposed to add the same easement for the portion of Loudon Avenue up to the bollard which is shown on the site plan. He read into the record the following proposed amendment to the ordinance: "BE IT FURTHER ORDAINED that the City of Roanoke reserves on the portion of the right-of-way vacated, discontinued and closed hereby, a perpetual easement for public pedestrian ingress and egress, except on that portion of Loudon Avenue west of the bollards as shown on the site plan dated April 25, 2006, by MMM Design Group, a copy of which plan has been filed with the City Clerk."

Ordinance No. 37464-061906 was adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Lea and Vice-Mayor Fitzpatrick -----5.

NAYS: Council Member Wishneff -----1.

(Mayor Harris was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

STREETS AND ALLEYS: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that it is believed that all has been spoken and all has been written about the petition to close streets in the historic Henry Street area as a forerunner to construction of a Social Security Administration office building. She stated that the City Planning Commission overwhelmingly voted to deny the petition for closure of the streets; whereupon, she inquired if Council heard what was said and read all of the material was submitted and does the Council understand how a significant part of Roanoke's history will be destroyed. She questioned why the vote was taken without the Mayor's presence inasmuch as citizens should be aware of his official position on such an important issue. She questioned why action on the matter could not have been delayed to allow the new Council Members to vote on the issue. She stated that she represents many citizens who believe that the present Council majority will leave a legacy of division, destruction, and destroy.

There being no further business, the Vice-Mayor declared the Council meeting adjourned at 10:55 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

Beverly T. Fitzpatrick, Jr.  
Vice-Mayor

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